

FORTY-EIGHTH DAY

(Continued)

(Thursday, April 11, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

BILLS ORDERED NOT PRINTED

On motion of Mr. Thornton, Senate Bill No. 46 was ordered not printed.

On motion of Mr. Pope, Senate Bill No. 388 was ordered not printed.

On motion of Mr. Walker, Senate Bill No. 26 was ordered not printed.

ADDITIONAL SIGNER OF HOUSE BILL NO. 729

By unanimous consent of the House, Mr. Roach of Angelina was authorized to sign House Bill No. 729, as co-author of same.

SENATE BILL NO. 146 ON PASSAGE TO THIRD READING

The Speaker laid before the House, as pending business, on its passage to third reading,

S. B. No. 146, A bill to be entitled "An Act to create the Department of Public Safety of the State of Texas; and the Public Safety Commission";

The bill having heretofore been read second time, with amendment by Mr. Duvall, pending.

Mr. Petsch offered the following substitute for the amendment by Mr. Duvall:

Amend Senate Bill No. 146, page 6, Section 11, by adding another subsection to the end of said Section 11 to read as follows:

"Each ranger shall file with the Secretary of State prior to receiving his commission a bond in the sum of one thousand dollars indemnifying any person for and on account of any property destroyed by such ranger in the performance of such ranger's activity when such property was destroyed without authority of law."

PETSCH,
CANON,
KNETSCH,
JONES of Atascosa.

Mr. Daniel raised a point of order on further consideration of the pending amendment by Mr. Duvall, and the substitute amendment by Mr. Petsch, on the ground that the amendments are not germane to the bill.

The Speaker overruled the point of order.

Mr. Hunt moved the previous question on the pending amendments, amendments on the Speaker's desk, and the passage of Senate Bill No. 146 to third reading, and the motion was not seconded.

Question recurring on the substitute amendment by Mr. Petsch and others, it was adopted.

Question then recurring on the amendment as substituted, yeas and nays were demanded.

The amendment as substituted was lost by the following vote:

Yeas—45

Atchison	Hoskins
Bergman	Jackson
Bourne	James
Bradford	Jefferson
Burton	Jones of Atascosa
Butler of Karnes	Lucas
Caldwell	McCalla
Collins	McKee
Colquitt	Moore
Davis	Morse
Dickison	Nicholson
Dunagan	Olsen
Dunlap of Hays	Pope
Duvall	Reader
Dwyer	Reed of Bowie
Farmer	Roane
Frazer	Rogers
Good	Russell
Hankamer	Scarborough
Hardin	Spears
Hartzog	Thornton
Hill	Young
Hofheinz	

Nays—89

Adamson	Ford
Adkins	Fox
Aikin	Gibson
Alexander	Glass
Alsup	Graves
Ash	Gray
Beck	Greathouse
Bradbury	Harris of Archer
Broyles	Harris of Dallas
Butler of Brazos	Head
Cagle	Herzik
Canon	Hodges
Cooper	Holland
Craddock	Howard
Crossley	Huddleston
Daniel	Hunt
Davison of Fisher	Hunter
Davisson	Hyder
of Eastland	Jones of Falls
England	Jones of Runnels
Fain	Jones of Wise
Fisher	Keefe

Knetsch	Reed of Dallas
Lange	Riddle
Lanning	Roach of Angelina
Latham	Roark
Leath	Rutta
Lemens	Settle
Leonard	Shofner
Lindsey	Smith
Lotief	Stanfield
Luker	Steward
Mauritz	Stinson
McConnell	Stovall
McFarland	Tarwater
McKinney	Tennyson
Moffett	Tillery
Morris	Venable
Morrison	Waggoner
Newton	Walker
Padgett	Wells
Patterson	Westfall
Payne	Wood of Harrison
Petsch	Wood of Montague
Quinn	Youngblood

Present—Not Voting

Worley

Absent

Calvert	Fuchs
Celaya	Hanna
Clayton	Jones of Shelby
Colson	King
Cowley	Palmer
Dunlap of Kleberg	Roberts
Fitzwater	

Absent—Excused

Roach of Hunt

Mr. Pope offered the following amendment to the bill:

Amend Senate Bill No. 146 by striking out lines 19 and 20, and all of line 18, after the word "compensation," page 3, and insert the following: "other than that allowed by the general appropriation bill."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend Senate Bill No. 146 by adding at the end of Section 9 the following: "provided the holders of such positions shall be those already on the pay roll of the State."

The amendment was adopted.

Mr. Farmer offered the following amendment to the bill:

Amend Senate Bill No. 146 as follows: Strike out line 18 on page 2.

Question—Shall the amendment by Mr. Farmer be adopted?

CONFERENCE COMMITTEE ON SENATE JOINT RESOLUTION NO. 3

The Speaker announced the appointment of the following conference committee on Senate Joint Resolution No. 3: Messrs. Morse, Young, Petsch, Moffett, and Thornton.

RELATIVE TO HOUSE BILL NO. 909

By unanimous consent of the House, the caption of House Bill No. 909 was ordered amended to conform to all changes, and with the body of the bill.

RELATIVE TO HOUSE BILL NO. 750

By unanimous consent of the House, the caption of House Bill No. 750 was ordered amended to conform to all changes, and with the body of the bill.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has by authority of Senate Resolution No. 70 directed the transmitting of a corrected copy of Senate Bill No. 227 to the House.

Respectfully,

BOB BARKER,
Secretary of the Senate.

RECESS

On motion of Mr. Quinn, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

SENATE BILL NO. 146 ON PAS- SAGE TO THIRD READING

The House resumed consideration of pending business, same being Senate Bill No. 146, relating to the creation of a Department of Public Safety in Texas;

The bill having heretofore been read second time, with amendment by Mr. Farmer, pending.

Mr. Reader moved the previous question on the pending amendment, amendments on the Speaker's desk, and the passage of Senate Bill No. 146 to third reading, and the main question was ordered.

Question recurring on the amendment by Mr. Farmer, it was lost.

(Mr. Reed of Dallas in the Chair.)

Mr. Pope offered the following amendment to the bill:

Amend Senate Bill No. 146 by striking out Subdivision 1 of Section 4.

Question recurring on the amendment by Mr. Pope, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—35

Aikin	James
Alsup	King
Bergman	Lotief
Bradbury	Luker
Bradford	McConnell
Broyles	Moore
Butler of Karnes	Morrison
Canon	Pope
Collins	Quinn
Colquitt	Rogers
Colson	Russell
Dwyer	Thornton
Farmer	Tillery
Hankamer	Venable
Hardin	Walker
Hartzog	Wood of Harrison
Huddleston	Young
Jackson	

Nays—79

Adamson	Fain
Adkins	Fisher
Alexander	Fox
Ash	Frazer
Beck	Fuchs
Bourne	Gibson
Burton	Glass
Butler of Brazos	Graves
Cagle	Gray
Cooper	Greathouse
Craddock	Hanna
Crossley	Harris of Archer
Davis	Head
Davison of Fisher	Hill
Davison	Hodges
of Eastland	Hofheinz
Dickison	Holland
Dunagan	Howard
Dunlap of Hays	Hunt
England	Hunter

Jones of Atascosa	Reader
Jones of Runnels	Reed of Bowie
Jones of Wise	Reed of Dallas
Keefe	Riddle
Latham	Roach of Angelina
Lemens	Roark
Lindsey	Rutta
Lucas	Scarborough
Mauritz	Settle
McCalla	Shofner
McKee	Smith
McKinney	Steward
Moffett	Stovall
Morris	Tarwater
Newton	Tennyson
Nicholson	Wells
Padgett	Westfall
Patterson	Wood of Montague
Payne	Worley
Petsch	Youngblood

Absent

Atchison	Jones of Falls
Caldwell	Knetsch
Calvert	Lange
Celaya	Lanning
Clayton	Leath
Cowley	Leonard
Daniel	McFarland
Dunlap of Kleberg	Morse
Duvall	Olsen
Fitzwater	Palmer
Ford	Roane
Good	Roberts
Harris of Dallas	Spears
Herzik	Stanfield
Hoskins	Stinson
Hyder	Waggoner
Jefferson	

Absent—Excused

Jones of Shelby	Roach of Hunt
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Mr. Pope offered the following amendment to the bill:

Amend Senate Bill No. 146 by adding at the end of Section 23 the following:

"Provided the Attorney General of the State of Texas be, and is hereby, directed to prosecute or cause to be prosecuted all those arrested by the Public Safety Commission or any of the members of any of its departments; such Attorney General may designate for this purpose any district attorney or district attorneys residing outside of the county or district in which the prosecution is pending."

Question recurring on the amendment by Mr. Pope, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—29	
Alsup	Huddleston
Bergman	Hunt
Bradbury	Jackson
Butler of Karnes	King
Celaya	Lucas
Colson	Morris
Dickison	Pope
Dunagan	Quinn
Duvall	Reed of Bowie
Dwyer	Rogers
Farmer	Russell
Greathouse	Thornton
Hankamer	Walker
Hardin	Wood of Harrison
Hartzog	

Nays—87	
Adamson	Jones of Falls
Adkins	Jones of Runnels
Aikin	Jones of Wise
Alexander	Knetsch
Ash	Lanning
Atchison	Latham
Beck	Leath
Bourne	Leonard
Bradford	Lindsey
Broyles	Lotief
Burton	Mauritz
Cagle	McCalla
Canon	McConnell
Collins	McFarland
Colquitt	McKee
Cooper	McKinney
Craddock	Moffett
Crossley	Morrison
Daniel	Newton
Davis	Nicholson
Davison of Fisher	Padgett
Davison	Patterson
of Eastland	Payne
Dunlap of Hays	Petsch
England	Reader
Fain	Reed of Dallas
Fisher	Riddle
Fox	Roach of Angelina
Frazer	Roark
Fuchs	Rutta
Gibson	Scarborough
Graves	Settle
Gray	Shofner
Hanna	Smith
Harris of Archer	Spears
Harris of Dallas	Steward
Head	Stovall
Hodges	Tarwater
Hofheinz	Tennyson
Holland	Venable
Howard	Wells
Hunter	Westfall
Hyder	Wood of Montague
James	Youngblood

Present—Not Voting	
Herzik	Worley
Roberts	

Absent	
Butler of Brazos	Keefe
Caldwell	Lange
Calvert	Lemens
Clayton	Luker
Cowley	Moore
Dunlap of Kleberg	Morse
Fitzwater	Olsen
Ford	Palmer
Glass	Roane
Good	Stanfield
Hill	Stinson
Hoskins	Tillery
Jefferson	Waggoner
Jones of Atascosa	Young

Absent—Excused	
Jones of Shelby	Roach of Hunt

Mr. Patterson offered the following amendment to the bill:

Amend Senate Bill No. 146, Section 11, page 5, line 40, by striking out the word "four" and substituting therefor the word "five."

Question recurring on the amendment by Mr. Patterson, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—5	
Davis	Padgett
King	Patterson
McKinney	

Nays—111	
Adamson	Dunlap of Hays
Adkins	Duvall
Aikin	England
Alexander	Fain
Alsup	Farmer
Ash	Fisher
Atchison	Fitzwater
Beck	Fox
Bergman	Frazer
Bourne	Gibson
Bradbury	Glass
Bradford	Graves
Broyles	Gray
Burton	Hankamer
Butler of Karnes	Hanna
Cagle	Hardin
Canon	Harris of Archer
Celaya	Harris of Dallas
Collins	Hartzog
Colquitt	Head
Colson	Herzik
Cooper	Hodges
Craddock	Hofheinz
Crossley	Holland
Daniel	Howard
Davison	Huddleston
of Eastland	Hunt
Dickison	Hunter

Hyder	Reader
Jackson	Reed of Bowie
James	Reed of Dallas
Jones of Atascosa	Riddle
Jones of Falls	Roach of Angelina
Jones of Runnels	Roark
Jones of Wise	Roberts
Knetsch	Russell
Lanning	Rutta
Latham	Scarborough
Leonard	Settle
Lindsey	Shofner
Lotief	Smith
Lucas	Steward
Mauritz	Stovall
McCalla	Tarwater
McConnell	Tennyson
McFarland	Tillery
McKee	Venable
Moffett	Waggoner
Morris	Walker
Morrison	Wells
Newton	Westfall
Nicholson	Wood of Harrison
Payne	Wood of Montague
Petsch	Worley
Pope	Young
Quinn	Youngblood

Absent

Butler of Brazos	Keefe
Caldwell	Lange
Calvert	Leath
Clayton	Lemens
Cowley	Luker
Davison of Fisher	Moore
Dunagan	Morse
Dunlap of Kleberg	Olsen
Dwyer	Palmer
Ford	Roane
Fuchs	Rogers
Good	Spears
Greathouse	Stanfield
Hill	Stinson
Hoskins	Thornton
Jefferson	

Absent—Excused

Jones of Shelby	Roach of Hunt
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Mr. Duvall offered the following amendment to the bill:

Amend Senate Bill No. 146, Section 11, page 6, subdivision 4, by adding at the close of said subdivision the following:

"Provided that no ranger shall have authority to act as herein provided as a peace officer in any county unless a request for his assistance has been made to the Department of Public Safety by the sheriff of the county in which his assistance is required or by a petition signed by ten per cent of the qualified voters of such county."

Question recurring on the amendment by Mr. Duvall, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—28

Adamson	Hardin
Alsup	Hill
Bergman	Howard
Butler of Karnes	Jackson
Celaya	McKee
Collins	Moore
Colquitt	Pope
Colson	Reader
Duvall	Rogers
Dwyer	Russell
Fain	Stanfield
Farmer	Thornton
Fuchs	Wood of Harrison
Hankamer	Young

Nays—93

Adkins	Jones of Falls
Aikin	Jones of Runnels
Alexander	Jones of Wise
Ash	King
Atchison	Knetsch
Beck	Lange
Bourne	Lanning
Bradbury	Latham
Broyles	Leath
Burton	Lemens
Butler of Brazos	Lindsey
Cagle	Lotief
Canon	Lucas
Cooper	Mauritz
Craddock	McCalla
Crossley	McConnell
Daniel	McFarland
Davis	McKinney
Davison of Fisher	Moffett
Davisson	Morris
of Eastland	Morrison
Dunlap of Hays	Morse
England	Newton
Fisher	Nicholson
Fitzwater	Padgett
Fox	Patterson
Gibson	Payne
Glass	Petsch
Graves	Quinn
Gray	Reed of Bowie
Greathouse	Reed of Dallas
Hanna	Riddle
Harris of Archer	Roach of Angelina
Harris of Dallas	Roark
Head	Roberts
Hodges	Rutta
Hofheinz	Scarborough
Holland	Settle
Huddleston	Shofner
Hunt	Smith
Hunter	Steward
Hyder	Stovall
James	Tarwater

Tennyson
Tillery
Venable
Waggoner

Wells
Westfall
Wood of Montague
Youngblood

Absent

Bradford
Caldwell
Calvert
Clayton
Cowley
Dickison
Dunagan
Dunlap of Kleberg
Ford
Frazer
Good
Hartzog
Herzik

Hoskins
Jefferson
Jones of Atascosa
Keefe
Leonard
Luker
Olsen
Palmer
Roane
Spears
Stinson
Walker
Worley

Absent—Excused

Jones of Shelby Roach of Hunt

Mr. McFarland offered the following amendment to the bill:

Amend Senate Bill No. 146, Section 21, page 11, by striking out the word "prmotion" in line 14 and inserting the word "promotion."

The amendment was adopted.

Mr. Lucas offered the following amendment to the bill:

Amend Senate Bill No. 146, page 4, line 39, by adding between the figures "\$5,000" and the comma, the word "annually."

The amendment was adopted.

Mr. Moffett offered the following amendment to the bill:

Amend Senate Bill No. 146, page 7, Subsection 2 of Section 12, lines 7 and 8, by changing the words "one hundred and fourteen privates" to "one hundred and forty privates."

MOFFETT,
PETSCH.

Question recurring on the amendment by Mr. Moffett, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—51

Adamson
Alexander
Ash
Atchison
Bourne
Burton
Butler of Brazos
Cagle
Cooper

Craddock
Crossley
Davis
Davison of Fisher
Fisher
Fox
Frazer
Fuchs
Glass

Graves
Harris of Archer
Harris of Dallas
Hartzog
Huddleston
Hunt
Jones of Falls
Jones of Runnels
Keefe
King
Knetsch
Lemens
Lindsey
Mauritz
McFarland
McKinney
Moffett

Nicholson
Padgett
Palmer
Patterson
Payne
Petsch
Reader
Reed of Dallas
Riddle
Roach of Angelina
Rogers
Rutta
Settle
Steward
Wood of Montague
Youngblood

Nays—78

Adkins
Aikin
Alsup
Beck
Bergman
Bradbury
Bradford
Broyles
Butler of Karnes
Canon
Collins
Colquitt
Colson
Daniel
Davisson
 of Eastland
Dickison
Dunagan
Dunlap of Hays
Duvall
Dwyer
England
Fain
Farmer
Fitzwater
Gibson
Gray
Greathouse
Hankamer
Hanna
Hardin
Head
Herzik
Hill
Hodges
Hofheinz
Holland
Howard
Hunter
Jackson

James
Jones of Wise
Lanning
Latham
Leath
Lotief
Lucas
Luker
McCalla
McConnell
McKee
Moore
Morris
Morrison
Morse
Newton
Pope
Quinn
Reed of Bowie
Roark
Roberts
Russell
Scarborough
Shofner
Smith
Spears
Stanfield
Stovall
Tarwater
Tennyson
Thornton
Tillery
Venable
Waggoner
Walker
Wells
Westfall
Wood of Harrison
Worley

Absent

Caldwell
Calvert
Celaya
Clayton
Cowley
Dunlap of Kleberg

Ford
Good
Hoskins
Hyder
Jefferson
Jones of Atascosa

Lange
Leonard
Olsen

Roane
Stinson
Young

Absent—Excused

Jones of Shelby Roach of Hunt

Mr. Hartzog offered the following amendment to the bill:

Amend Senate Bill No. 146, page 5, Section 10, line 29, between the comma after the word "division" and the word "and" by inserting the following: "and (D). Game and Forest Patrol".

The amendment was lost.

Mr. Jones of Atascosa offered the following amendment to the bill:

Amend Senate Bill No. 146, Section 11, page 6, by adding another subsection, numbered 5, to read as follows:

"Each Ranger shall file with the Secretary of State, prior to his enlistment, a bond in the sum of fifteen hundred dollars to indemnify any person for loss or injury sustained or caused to any property of another by the unlawful acts of such Ranger."

The amendment was adopted.

Mr. Daniel offered the following amendment to the bill:

Amend Senate Bill No. 146 by adding at the end of Section 12 the following:

"Provided, the Highway Patrol of the State of Texas shall enforce all criminal laws of the State of Texas."

The amendment was adopted.

Mr. Hankamer offered the following amendment to the bill:

Amend Senate Bill No. 146, page 11, by striking out all of Section 22 on said page.

HANKAMER,
JONES of Atascosa,
ROBERTS.

Question recurring on the amendment by Mr. Hankamer, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—54

Adkins	Butler of Karnes
Aikin	Canon
Alsup	Celaya
Atchison	Collins
Bergman	Colquitt
Bradbury	Colson
Bradford	Crossley

Davissou
of Eastland
Dickison
Dwyer
Farmer
Fitzwater
Frazer
Fuchs
Gray
Greathouse
Hankamer
Hardin
Hodges
Hoskins
Howard
Huddleston
Hunt
Hunter
Jackson
James
Jones of Atascosa

King
McConnell
McKee
Moore
Morrison
Palmer
Pope
Reed of Bowie
Riddle
Roberts
Russell
Shofner
Spears
Tarwater
Tillery
Venable
Walker
Wells
Wood of Harrison
Young

Nays—64

Adamson	Lemens
Alexander	Lindsey
Bourne	Lotief
Broyles	Lucas
Burton	Mauritz
Cagle	McCalla
Cooper	McFarland
Craddock	McKinney
Daniel	Moffett
Davis	Morris
Davison of Fisher	Morse
Dunlap of Hays	Newton
England	Nicholson
Fain	Padgett
Fisher	Patterson
Fox	Petsch
Gibson	Quinn
Glass	Reader
Harris of Archer	Roach of Angelina
Harris of Dallas	Roark
Head	Rutta
Hofheinz	Scarborough
Holland	Settle
Hyder	Stanfield
Jones of Falls	Steward
Jones of Runnels	Stovall
Jones of Wise	Tennyson
Keefe	Thornton
Knetsch	Waggoner
Lanning	Westfall
Latham	Wood of Montague
Leath	Youngblood

Present—Not Voting

Worley

Absent

Ash	Cowley
Beck	Dunagan
Butler of Brazos	Dunlap of Kleberg
Caldwell	Duvall
Calvert	Ford
Clayton	Good

Graves	Luker
Hanna	Olsen
Hartzog	Payne
Herzik	Reed of Dallas
Hill	Roane
Jefferson	Rogers
Lange	Smith
Leonard	Stinson

Absent—Excused

Jones of Shelby Roach of Hunt

Mr. McConnell offered the following amendment to the bill:

Amend Senate Bill No. 146 by striking out all below the enacting clause and insert the following:

"Section 1. There is hereby created a Bureau of Criminal Identification, Investigation, Statistics, and Fingerprinting in and for the State of Texas, and hereinafter called 'Bureau.' The Bureau shall be in charge of a superintendent who shall be appointed by the Governor for a term of two years from the effective date of this Act and until his successor shall be appointed, qualified, and assumes active duty; and thereafter the Governor shall likewise be authorized to reappoint said superintendent or some other person possessing the qualifications required by this Act to serve as successor to said superintendent for additional periods of two years. And said appointments shall be subject to the approval of the Senate, as is in like cases provided for by law. The Governor is hereby empowered and authorized to remove said superintendent for misconduct, misbehavior, and incompetency, when in his judgment he feels the best interest of the State will be conserved by doing so.

"Sec. 2. The superintendent provided for in the preceding section upon his appointment and qualification for office, shall be empowered and it shall be his duty to appoint and employ not to exceed two assistant superintendents subject to removal by said superintendent, who shall assist the superintendent in the administration of his office, and in performing the duties provided for in this Act. And the superintendent is also authorized, and it shall be his duty to appoint and employ, not to exceed three filing clerks and/or stenographers, subject to removal by said superintendent to assist in carrying out the provisions of this Act.

"Sec. 3. The superintendent and assistant superintendent to be ap-

pointed under the provisions hereof, as herein provided, shall be not less than twenty-one (21) years of age, resident citizens of the State of Texas, not less than one year next preceding the time of their appointment, and shall be trained, experienced, and capable Bertillon experts.

"Sec. 4. The salary of the superintendent shall be two hundred twenty-five dollars (\$225) per month and the salary of the assistant superintendent shall be one hundred seventy-five dollars (\$175) a month; and the salaries of each of the filing clerks and/or stenographer shall not exceed one hundred dollars (\$100) a month until otherwise changed by law.

"Sec. 5. The superintendent shall be in charge of said Bureau, direct the administration of same, and it shall be the duty of the Bureau to work in conformity with, and as a part of the Ranger service of the State; and said Bureau shall keep, receive and collect information pertaining to crime and criminals and/or from district and county attorneys, rangers, sheriffs, policemen, constables, peace officers and any and all officers charged with the duty of enforcing the penal statutes in the State of Texas. Said Bureau, insofar as circumstances will afford, is authorized and is hereby instructed to keep a file on fingerprints, and shall have all the records with the Bureau so classified and arranged so as to be able to promptly provide to the above officers, such information as said Bureau is able to furnish.

"Sec. 6. It is hereby declared the duty of the district and county attorneys, rangers, sheriffs, police officials, constables, peace officers, and all officers in any way charged with the enforcement of our penal statutes, to furnish said Bureau upon request, such information said officials are able to furnish relating to the records and life history of criminals of this State, and shall permit said superintendent and/or assistant superintendent to take the fingerprints of any person charged with a crime at reasonable times, when said superintendent and assistant superintendent shall apply for said privilege.

"Sec. 8. It shall be the duty of said Bureau to keep a separate file for those parents, guardians and others who prefer to have themselves and/or their children and wards fingerprinted for the purpose of future identifica-

tion in cases of death, disaster, insanity or other reasons.

"Sec. 9. The superintendent shall make an annual report to the Governor of the conduct of his office showing the progress of the work of the Bureau, its expenditures and assistance rendered in the enforcement of law.

"Sec. 10. The sum of twenty thousand dollars (\$20,000), not otherwise appropriated out of the funds of this State, are hereby appropriated to defray the expenses of said Bureau for the next two years.

"Sec. 11. The fact that there is no identification bureau provided for by the laws of this State, and the further fact that said Bureau would be able to tender information that would lead to the early arrest of many felonious criminals, who would otherwise be able to perfect their escape and depredate upon our innocent people and confiscate property; and the further fact that there is an urgent need for the immediate creation of said Bureau to assist in the enforcement of the penal statutes in the State of Texas, creates an emergency and imperative public necessity that the constitutional rule, requiring all bills to be read on three several days in each house, be, and the same is hereby, suspended, and this Act shall be in force and take effect from and after its passage, and it is so enacted."

McCONNELL,
ROGERS.

Question recurring on the amendment by Mr. McConnell, yeas and nays were demanded.

The amendment was lost, by the following vote:

Yeas—29

Adkins	James
Alsup	Lotief
Bergman	McConnell
Bradbury	Moore
Broyles	Morrison
Celaya	Pope
Colson	Roark
Davisson	Rogers
of Eastland	Russell
Farmer	Scarborough
Fitzwater	Stovall
Hankamer	Thornton
Hardin	Venable
Hoskins	Walker
Jackson	Wood of Harrison

Nays—94

Adamson	Jones of Runnels
Aikin	Jones of Wise
Alexander	King
Ash	Knetsch
Atchison	Lanning
Beck	Latham
Bourne	Lemens
Burton	Leonard
Butler of Brazos	Lindsey
Butler of Karnes	Lucas
Cagle	Luker
Canon	Mauritz
Collins	McCalla
Colquitt	McFarland
Cooper	McKee
Cowley	McKinney
Craddock	Moffett
Crossley	Morris
Daniel	Morse
Davis	Newton
Davison of Fisher	Nicholson
Dickison	Padgett
Dunagan	Palmer
Dunlap of Hays	Patterson
Dunlap of Kleberg	Payne
England	Petsch
Fain	Quinn
Fisher	Reader
Fox	Reed of Bowie
Fuchs	Roach of Angelina
Gibson	Roberts
Glass	Rutta
Graves	Settle
Gray	Shofner
Greathouse	Smith
Hanna	Spears
Harris of Archer	Stanfield
Harris of Dallas	Steward
Head	Tarwater
Hodges	Tennyson
Hofheinz	Tillery
Howard	Waggoner
Huddleston	Wells
Hunt	Westfall
Hunter	Wood of Montague
Hyder	Worley
Jones of Falls	Youngblood

Present—Not Voting

Herzik

Absent

Bradford	Jefferson
Caldwell	Jones of Atascosa
Calvert	Keefe
Clayton	Lange
Duvall	Leath
Dwyer	Olsen
Ford	Reed of Dallas
Frazer	Riddle
Good	Roane
Hartzog	Stinson
Hill	Young
Holland	

Absent—Excused

Jones of Shelby Roach of Hunt

Senate Bill No. 146 was then passed to third reading by the following vote:

Yeas—86

Adamson	Jones of Wise
Adkins	Keefe
Alexander	Knetsch
Ash	Lanning
Atchison	Latham
Beck	Lemens
Bourne	Leonard
Bradford	Lindsey
Burton	Mauritz
Butler of Brazos	McCalla
Cagle	McFarland
Collins	McKinney
Colquitt	Moffett
Cooper	Morris
Cowley	Morrison
Craddock	Morse
Daniel	Padgett
Davis	Palmer
Davison of Fisher	Patterson
Davisson	Payne
of Eastland	Petsch
Dickison	Quinn
Dunlap of Hays	Reader
England	Reed of Bowie
Fain	Reed of Dallas
Fisher	Roach of Angelina
Ford	Rutta
Fox	Scarborough
Fuchs	Settle
Gibson	Shofner
Glass	Smith
Graves	Spears
Greathouse	Stanfield
Harris of Archer	Steward
Harris of Dallas	Tarwater
Hartzog	Tennyson
Head	Thornton
Herzik	Tillery
Hofheinz	Waggoner
Hunt	Wells
Hunter	Westfall
Hyder	Wood of Montague
Jones of Falls	Youngblood
Jones of Runnels	

Nays—44

Aikin	Dwyer
Alsup	Farmer
Bergman	Fitzwater
Bradbury	Frazer
Broyles	Gray
Butler of Karnes	Hankamer
Canon	Hardin
Celaya	Hodges
Colson	Hoskins
Crossley	Howard
Dunagan	Huddleston
Duvall	Jackson

James	Roark
King	Roberts
Lotief	Rogers
Luker	Russell
McConnell	Stovall
McKee	Venable
Moore	Walker
Newton	Wood of Harrison
Nicholson	Worley
Pope	Young

Present—Not Voting

Jones of Atascosa

Absent

Caldwell	Jefferson
Calvert	Lange
Clayton	Leath
Dunlap of Kleberg	Lucas
Good	Olsen
Hanna	Riddle
Hill	Roane
Holland	Stinson

Absent—Excused

Jones of Shelby Roach of Hunt

MOTION TO TAKE UP SENATE BILL NO. 146

Mr. Petsch moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 146 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—90

Adamson	Fisher
Alexander	Ford
Alsup	Fox
Ash	Gibson
Atchison	Glass
Beck	Graves
Bourne	Greathouse
Bradford	Harris of Archer
Burton	Harris of Dallas
Butler of Brazos	Hartzog
Cagle	Head
Collins	Herzik
Colquitt	Hodges
Cooper	Hofheinz
Cowley	Howard
Craddock	Huddleston
Daniel	Hunt
Davis	Hunter
Davison of Fisher	Hyder
Davisson	Jones of Atascosa
of Eastland	Jones of Falls
Dickison	Jones of Runnels
England	Jones of Wise
Fain	Keefe

King	Reed of Bowie
Knetsch	Reed of Dallas
Lanning	Roach of Angelina
Latham	Rutta
Lemens	Scarborough
Leonard	Settle
Lindsey	Shofner
Lucas	Smith
Mauritz	Spears
McCalla	Stanfield
McFarland	Steward
McKinney	Tarwater
Moffett	Tennyson
Morris	Thornton
Morse	Tillery
Padgett	Waggoner
Palmer	Wells
Patterson	Westfall
Payne	Wood of Montague
Petsch	Worley
Quinn	Youngblood
Reader	

Nays—43

Adkins	Hoskins
Aikin	Jackson
Bergman	James
Bradbury	Lotief
Broyles	Luker
Butler of Karnes	McConnell
Canon	McKee
Celaya	Moore
Colson	Morrison
Crossley	Newton
Dunagan	Nicholson
Dunlap of Hays	Pope
Duvall	Roark
Dwyer	Roberts
Farmer	Rogers
Fitzwater	Russell
Frazer	Stovall
Fuchs	Venable
Gray	Walker
Hankamer	Wood of Harrison
Hanna	Young
Hardin	

Absent

Caldwell	Jefferson
Calvert	Lange
Clayton	Leath
Dunlap of Kleberg	Olsen
Good	Riddle
Hill	Roane
Holland	Stinson

Absent—Excused

Jones of Shelby	Roach of Hunt
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MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate

to inform the House that the Senate
has passed

S. B. No. 324, with engrossed rider.

H. B. No. 720, A bill to be entitled
"An Act ratifying the Interstate Com-
pact made by the Governor of Texas
with the Governors and their rep-
resentatives of other oil-producing
States at Dallas, Texas, on February
16, 1935; providing that same shall
be effective in accordance with the
terms thereof; providing for a repre-
sentative to the Interstate Oil Com-
pact Commission; providing for with-
drawal by the State from such com-
pact, making an appropriation, and
declaring an emergency."

The Senate has adopted

S. C. R. No. 35, Petitioning the Sen-
ate and House of Representatives of
the United States Congress to oppose
the adoption of the so-called "Thomas
Bill," or other similar bills.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILL NO. 46 ON SECOND
READING

The Speaker laid before the House,
on its second reading and passage to
third reading,

S. B. No. 46, A bill to be entitled
"An Act amending Article 5058 of
the Revised Civil Statutes of Texas,
1925, so as to prohibit the issuing,
signing, countersigning, or deliver-
ing of certain insurance policies ex-
cept through regularly licensed local
recording agents as the term is de-
fined in Chapter 96, page 150, Acts
of the Forty-second Legislature, 1931,
and requiring notice of inability to
insure to be filed with the Board of
Insurance Commissioners, but ex-
empting companies not operating
through local recording agents, and
declaring an emergency."

The bill was read second time, and
was passed to third reading.

(Speaker in the Chair.)

SENATE BILL NO. 46 ON THIRD
READING

Mr. Thornton moved that the con-
stitutional rule, requiring bills to be
read on three several days, be sus-

pending, and that Senate Bill No. 46 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Adamson	Jones of Atascosa
Adkins	Jones of Falls
Aikin	Jones of Runnels
Alexander	Jones of Wise
Alsup	King
Ash	Knetsch
Atchison	Lanning
Beck	Latham
Bergman	Leath
Bradbury	Lemens
Bradford	Leonard
Broyles	Lucas
Burton	Mauritz
Butler of Brazos	McCalla
Butler of Karnes	McFarland
Canon	McKee
Collins	McKinney
Colquitt	Moffett
Colson	Moore
Cooper	Morris
Cowley	Morrison
Craddock	Morse
Daniel	Newton
Davison of Fisher	Nicholson
Davison	Padgett
of Eastland	Patterson
Dickison	Petsch
Dunlap of Hays	Pope
Dunlap of Kleberg	Quinn
Duvall	Reader
Dwyer	Reed of Bowie
England	Reed of Dallas
Fain	Riddle
Farmer	Roach of Angelina
Fisher	Roark
Fitzwater	Rogers
Fox	Russell
Gibson	Rutta
Glass	Settle
Graves	Shofner
Gray	Smith
Greathouse	Spears
Hankamer	Stanfield
Hanna	Steward
Hardin	Stinson
Harris of Archer	Stovall
Harris of Dallas	Tarwater
Hartzog	Tennyson
Head	Thornton
Herzik	Tillery
Hill	Venable
Hodges	Waggoner
Hofheinz	Wells
Howard	Westfall
Hunt	Wood of Harrison
Hyder	Wood of Montague
Jackson	Young
James	Youngblood

Nays—3

Huddleston Palmer
Lindsey

Present—Not Voting

Cagle

Absent

Bourne	Hunter
Caldwell	Jefferson
Calvert	Keefe
Celaya	Lange
Clayton	Lotief
Crossley	Luker
Davis	McConnell
Dunagan	Olsen
Ford	Payne
Frazer	Roane
Fuchs	Roberts
Good	Scarborough
Holland	Walker
Hoskins	Worley

Absent—Excused

Jones of Shelby Roach of Hunt

The Speaker then laid Senate Bill No. 46 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—110

Adamson	Fisher
Adkins	Fitzwater
Aikin	Frazer
Alexander	Gibson
Alsup	Glass
Ash	Graves
Atchison	Gray
Beck	Greathouse
Bergman	Hankamer
Bourne	Hanna
Bradford	Hardin
Broyles	Harris of Archer
Burton	Harris of Dallas
Butler of Brazos	Hartzog
Butler of Karnes	Head
Canon	Herzik
Celaya	Hill
Collins	Hodges
Colquitt	Hofheinz
Colson	Howard
Cooper	Hunt
Cowley	Hyder
Craddock	Jackson
Crossley	James
Daniel	Jones of Atascosa
Davison of Fisher	Jones of Falls
Dickison	Jones of Runnels
Dunlap of Hays	Jones of Wise
England	King
Fain	Lanning
Farmer	Latham

Leath	Reed of Dallas
Lemens	Roach of Angelina
Leonard	Roark
Lucas	Russell
Mauritz	Rutta
McCalla	Settle
McConnell	Shofner
McFarland	Smith
McKee	Spears
McKinney	Stanfield
Moffett	Steward
Moore	Stovall
Morris	Tarwater
Morrison	Tennyson
Morse	Thornton
Newton	Venable
Nicholson	Waggoner
Padgett	Walker
Patterson	Wells
Payne	Westfall
Pope	Wood of Harrison
Quinn	Wood of Montague
Reader	Worley
Reed of Bowie	Youngblood

Nays—6

Bradbury	Huddleston
Cagle	Lindsey
Fox	Palmer

Absent

Caldwell	Jefferson
Calvert	Keefe
Clayton	Knetsch
Davis	Lange
Davisson	Lotief
of Eastland	Luker
Dunagan	Olsen
Dunlap of Kleberg	Petsch
Duvall	Riddle
Dwyer	Roane
Ford	Roberts
Fuchs	Rogers
Good	Scarborough
Holland	Stinson
Hoskins	Tillery
Hunter	Young

Absent—Excused

Jones of Shelby	Roach of Hunt
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SENATE BILL NO. 457 ON SECOND
READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 457, A bill to be entitled "An Act making it lawful to kill squirrels in Lee County at any time; repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 457 ON THIRD
READING

Mr. James moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 457 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114

Adamson	Hyder
Adkins	Jackson
Aikin	James
Alexander	Jones of Falls
Alsup	Jones of Runnels
Ash	Jones of Wise
Beck	Keefe
Bergman	Lange
Bourne	Lanning
Bradbury	Latham
Bradford	Leath
Broyles	Lemens
Burton	Leonard
Butler of Karnes	Lindsey
Cagle	Lucas
Caldwell	Mauritz
Canon	McCalla
Celaya	McConnell
Collins	McFarland
Colquitt	McKinney
Colson	Moffett
Cooper	Morris
Craddock	Morrison
Daniel	Newton
Dickison	Nicholson
Dunlap of Hays	Padgett
Dunlap of Kleberg	Palmer
England	Patterson
Fain	Payne
Farmer	Petsch
Fisher	Pope
Fitzwater	Quinn
Fox	Reed of Bowie
Frazer	Reed of Dallas
Fuchs	Riddle
Gibson	Roach of Angelina
Glass	Roark
Graves	Roberts
Gray	Rogers
Greathouse	Russell
Hankamer	Rutta
Hanna	Scarborough
Hardin	Settle
Harris of Archer	Shofner
Harris of Dallas	Smith
Hartzog	Spears
Head	Stanfield
Herzik	Steward
Hill	Stovall
Hodges	Tarwater
Hofheinz	Tennyson
Howard	Tillery
Huddleston	Venable
Hunt	Waggoner

Wells	Wood of Montague
Westfall	Worley
Wood of Harrison	Youngblood

Absent

Atchison	Hunter
Butler of Brazos	Jefferson
Calvert	Jones of Atascosa
Clayton	King
Cowley	Knetsch
Crossley	Lotief
Davis	Luker
Davison of Fisher	McKee
Davisson	Moore
of Eastland	Morse
Dunagan	Olsen
Duvall	Reader
Dwyer	Roane
Ford	Stinson
Good	Thornton
Holland	Walker
Hoskins	Young

Absent—Excused

Jones of Shelby	Roach of Hunt
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The Speaker then laid Senate Bill No. 457 before the House on its third reading and final passage.

The bill was read third time, and was passed.

SENATE BILL NO. 42 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 42, A bill to be entitled "An Act amending Article 5449, 1925 Civil Statutes, so as to provide that when any abstract of judgment has been recorded it shall, from the date of such record and index, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made and upon all real estate which defendant may thereafter acquire, situated in said county during the life of the judgment, and declaring an emergency."

The bill was read second time.

Mr. Lemens offered the following committee amendments to the bill:

Amend Senate Bill No. 42 by striking out all below the enacting clause and insert in lieu thereof the following:

"Section 1. That Article 5449 of the 1925 Revised Civil Statutes of Texas be amended so that it shall hereafter read as follows: 'Article

5449, Lien of Judgment. When any judgment has been so recorded and indexed it shall from the date of such record and index operate as a lien upon all of the real estate of the defendant, situated in the county where such record and index are made, and upon all real estate which defendant may thereafter acquire, situated in said county. Said lien shall continue in existence as long as the judgment upon which it is based will support the issuance of an execution; and all judgments that are still alive and have not become dormant on the date this Act becomes effective shall operate as a lien, if theretofore properly recorded and indexed, so long as the judgment remains alive, without the necessity of execution issuing upon the judgment.'

"Sec. 2. The fact that it was the intention of the Legislature to provide that liens created by the abstracting, recording and indexing of judgments should remain in existence so long as the judgment was alive, at the time of the amendment of Article 3773 of the Revised Civil Statutes of Texas (1925), by the Forty-third Legislature, at its Regular Session, page 369, Chapter 144, but it appearing that this intention was not effected by so amending Article 3773 of the Revised Civil Statutes of Texas (1925), but that there is a hiatus between the existence of a judgment proper and the lien created thereby, if no execution issues within twelve months after the recording and indexing of the abstract of judgment, and that there is a great deal of confusion as to the law on this subject, create an emergency and imperative public necessity, which demands that the constitutional rule, requiring bills to be read upon three several days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Amend Senate Bill No. 42 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act amending Article 5449 of the 1925 Revised Civil Statutes of Texas so as to provide that liens created by the abstracting and recording of judgments shall exist as long as the judgment is alive, and declaring an emergency."

The amendments were severally adopted.

Senate Bill No. 42 was then passed to third reading by the following vote:

Yeas—88

Adamson	Howard
Atchison	Hunt
Beck	Hunter
Bourne	Hyder
Bradford	Jackson
Butler of Brazos	James
Cagle	Jones of Runnels
Caldwell	Jones of Wise
Celaya	King
Collins	Knetsch
Colquitt	Lange
Cooper	Lanning
Cowley	Latham
Craddock	Lemens
Crossley	Lindsey
Davis	McCalla
Davison of Fisher	McConnell
Davisson	McFarland
of Eastland	McKinney
Dickison	Moffett
Dunlap of Hays	Moore
Dunlap of Kleberg	Morris
Duvall	Nicholson
Dwyer	Padgett
England	Patterson
Fain	Payne
Fisher	Petsch
Fitzwater	Reed of Dallas
Fox	Riddle
Frazer	Roark
Fuchs	Rogers
Glass	Russell
Gray	Rutta
Hankamer	Scarborough
Hanna	Settle
Harris of Archer	Shofner
Harris of Dallas	Stanfield
Hartzog	Steward
Head	Tennyson
Herzik	Thornton
Hill	Waggoner
Hodges	Walker
Hofheinz	Wood of Montague
Holland	Worley
Hoskins	

Nays—31

Adkins	Jones of Falls
Aikin	Keefe
Alexander	Lotief
Alsup	McKee
Ash	Morrison
Bradbury	Quinn
Broyles	Reed of Bowie
Burton	Roach of Angelina
Butler of Karnes	Smith
Canon	Stovall
Daniel	Tarwater
Farmer	Venable
Gibson	Westfall
Greathouse	Wood of Harrison
Hardin	Youngblood
Huddleston	

Absent

Bergman	Mauritz
Caivert	Morse
Clayton	Newton
Colson	Olsen
Dunagan	Palmer
Ford	Pope
Good	Reader
Graves	Roane
Jefferson	Roberts
Jones of Atascosa	Spears
Leath	Stinson
Leonard	Tillery
Lucas	Wells
Luker	Young

Absent—Excused

Jones of Shelby	Roach of Hunt
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SENATE BILL NO. 42 ON THIRD READING

Mr. Lemens moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 42 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104

Adamson	Frazer
Alexander	Fuchs
Alsup	Glass
Atchison	Graves
Beck	Gray
Bourne	Hankamer
Bradford	Hanna
Butler of Brazos	Harris of Archer
Cagle	Harris of Dallas
Caldwell	Hartzog
Celaya	Head
Collins	Herzik
Colquitt	Hill
Colson	Hodges
Cooper	Hofheinz
Cowley	Holland
Craddock	Hoskins
Crossley	Howard
Daniel	Hunt
Davis	Hunter
Davison of Fisher	Hyder
Davisson	Jackson
of Eastland	James
Dickison	Jones of Atascosa
Dunlap of Hays	Jones of Falls
Dunlap of Kleberg	Jones of Runnels
Duvall	Jones of Shelby
Dwyer	Jones of Wise
England	Keefe
Fain	King
Fisher	Knetsch
Fitzwater	Lange
Fox	Lanning

Latham	Payne
Leath	Petsch
Lemens	Pope
Lindsey	Reed of Dallas
Lucas	Riddle
Luker	Roark
Mauritz	Roberts
McCalla	Russell
McConnell	Rutta
McFarland	Shofner
McKinney	Spears
Moffett	Steward
Moore	Tennyson
Morris	Thornton
Morrison	Venable
Newton	Waggoner
Nicholson	Walker
Padgett	Wood of Montague
Palmer	Worley
Patterson	

Nays—25

Adkins	McKee
Aikin	Quinn
Bradbury	Reed of Bowie
Broyles	Roach of Angelina
Burton	Scarborough
Butler of Karnes	Stanfield
Canon	Stovall
Farmer	Tarwater
Gibson	Tillery
Greathouse	Westfall
Hardin	Wood of Harrison
Huddleston	Youngblood
Lotief	

Absent

Ash	Olsen
Bergman	Reader
Calvert	Roane
Clayton	Rogers
Dunagan	Settle
Ford	Smith
Good	Stinson
Jefferson	Wells
Leonard	Young
Morse	

Absent—Excused

Roach of Hunt

The Speaker then laid Senate Bill No. 42 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—80

Adamson	Caldwell
Atchison	Celaya
Beck	Collins
Bergman	Colquitt
Bourne	Colson
Bradford	Cooper
Butler of Brazos	Cowley
Cagle	Craddock

Crossley	Lange
Davis	Lanning
Davisson	Latham
of Eastland	Leath
Dickison	Lemens
Dunlap of Hays	Lindsey
England	Lucas
Fain	Mauritz
Fisher	McCalla
Fox	McConnell
Frazer	McFarland
Fuchs	McKinney
Graves	Moffett
Gray	Newton
Hankamer	Padgett
Hanna	Palmer
Harris of Archer	Patterson
Harris of Dallas	Petsch
Hartzog	Pope
Head	Reader
Herzik	Riddle
Hill	Roberts
Hodges	Rutta
Hofheinz	Settle
Howard	Shofner
Hunt	Spears
Hunter	Steward
Hyder	Tennyson
Jones of Atascosa	Thornton
Jones of Runnels	Waggoner
Jones of Wise	Walker
King	Wood of Montague
Knetsch	

Nays—46

Adkins	Lotief
Aikin	McKee
Alexander	Moore
Alsup	Morris
Bradbury	Morrison
Broyles	Payne
Burton	Quinn
Butler of Karnes	Reed of Bowie
Canon	Roach of Angelina
Daniel	Roark
Davisson of Fisher	Rogers
Farmer	Russell
Fitzwater	Scarborough
Gibson	Smith
Glass	Stanfield
Greathouse	Stovall
Hardin	Tarwater
Huddleston	Tillery
Jackson	Venable
James	Westfall
Jones of Falls	Wood of Harrison
Keefe	Worley
Leonard	Youngblood

Absent

Ash	Dwyer
Calvert	Ford
Clayton	Good
Dunagan	Holland
Dunlap of Kleberg	Hoskins
Duvall	Jefferson

Luker
Morse
Nicholson
Olsen
Reed of Dallas

Roane
Stinson
Wells
Young

Steward
Tarwater
Thornton
Tillery

Westfall
Wood of Montague
Worley
Youngblood

Absent—Excused

Jones of Shelby Roach of Hunt

MOTION TO TAKE UP SENATE BILL NO. 146

Mr. Frazer moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 146 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—95

Adamson	Hyder
Alexander	Jones of Atascosa
Alsup	Jones of Falls
Ash	Jones of Runnels
Atchison	Jones of Wise
Beck	Keefe
Bourne	King
Burton	Knetsch
Butler of Brazos	Lange
Cagle	Lanning
Celaya	Latham
Collins	Leath
Colquitt	Leonard
Colson	Lindsey
Cooper	Lotief
Cowley	Lucas
Craddock	Luker
Daniel	Mauritz
Davis	McCalla
Davison of Fisher	McFarland
Davisson	McKinney
of Eastland	Moffett
Dickison	Moore
England	Morris
Fain	Morse
Fisher	Padgett
Fox	Palmer
Frazer	Patterson
Fuchs	Payne
Gibson	Petsch
Glass	Quinn
Graves	Reader
Greathouse	Reed of Dallas
Hanna	Riddle
Harris of Archer	Roach of Angelina
Harris of Dallas	Roark
Hartzog	Russell
Head	Rutta
Herzik	Scarborough
Hofheinz	Settle
Holland	Shofner
Howard	Smith
Hunt	Spears
Hunter	Stanfield

Nays—33

Adkins	Hodges
Aikin	Huddleston
Bradbury	Jackson
Broyles	James
Butler of Karnes	McKee
Caldwell	Morrison
Canon	Newton
Crossley	Nicholson
Dunlap of Hays	Pope
Duvall	Reed of Bowie
Dwyer	Roberts
Farmer	Rogers
Fitzwater	Stovall
Gray	Venable
Hankamer	Walker
Hardin	Wood of Harrison
Hill	

Present—Not Voting

McConnell

Absent

Bergman	Jefferson
Bradford	Lemens
Calvert	Olsen
Clayton	Roane
Dunagan	Stinson
Dunlap of Kleberg	Tennyson
Ford	Waggoner
Good	Wells
Hoskins	Young

Absent—Excused

Jones of Shelby Roach of Hunt

CONFERENCE COMMITTEE RE- PORT ON SENATE BILL NO. 361

Mr. Glass submitted the following conference committee report on Senate Bill No. 361:

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the two houses on Senate Bill No. 361, recommend that said bill be adopted in form and text as submitted herewith:

"S. B. No. 361,

A BILL

To Be Entitled

An Act creating 'Sabine-Neches Conservation District,' a conservation

and reclamation district with the powers provided in Section 59 of Article XVI of the Constitution, to conserve, control, and utilize the waters of the Sabine and Neches Rivers and their tributaries, including their storm and flood waters, except said district shall have no power of taxation nor right to create any debt payable out of taxation; authorizing one or more districts created under Section 59 of Article XVI of the Constitution to co-ordinate their plans and to join plans for improvements; defining the boundaries thereof, providing for control through board of directors, their appointment, qualifications and tenure, their organization and powers; authorizing the board of directors to appoint a board of managing directors; authorizing the storing, controlling, conservation and distribution of storm and flood waters of the Sabine and Neches Rivers and their tributaries, within and or without such district for irrigation, domestic, industrial and municipal uses, and also for hydro-electric power, with authority to make contracts with water users and to establish and collect maintenance and operation charges for water service, also authorizing all contracts, leases and agreements necessary or convenient with any person, corporation or government, including the United States Government and State of Texas, or their agencies; authorizing conveyance of the district's properties, improvements and facilities to the United States, or any agency thereof, and a lease thereof with the United States, or any agency thereof, with the rentals payable out of the revenues of such district; subordinating such district to the control of the State Board of Water Engineers, or other State agency; providing for acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and facilities necessary or proper within or without said district, including the right of eminent domain, and authorizing such district to borrow money from the Federal Emergency Administration of Public Works, or other United States agency, and from other persons, and secure a

payment thereof by first and/or second mortgage and encumbrance on all of the district's properties, improvements and facilities, and/or the revenues and income to be derived therefrom; to provide work for the relief of unemployed people of Texas; providing for the issuance of interest-bearing obligations therefor; requiring submission by said district preliminary to issuing any obligations under said Act, of a certified copy of such obligations under said Act, and of the proceedings authorizing the issuance of such obligations to the Attorney General of Texas for approval, and requiring such obligations, when so approved, to be registered by the Comptroller of the State of Texas; prescribing their terms, conditions of issuance and prohibiting their payment out of any taxation or involuntary assessment; authorizing the grant to the purchaser of such properties under foreclosure sale of a franchise and permit to operate such improvements and facilities; authorizing the refunding of any obligations issued hereunder; authorizing the holder of any such obligations to enforce by legal proceedings performance of duties required by this Act to be performed by such board of directors of said district, and in the event of any default on any such obligations to have an administrator or receiver appointed to administer and operate such properties in order to obtain payment of such obligations; preserving the water rights of existing water users; prescribing all necessary details; providing nothing in this section contained shall conflict with the requirements of any Federal agency providing any funds for such district; making an appropriation of five thousand dollars (\$5,000) out of the General Fund of this State, or so much thereof as is necessary, to pay expenses incurred by said district, acting by and through its board of managing directors; providing if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That there shall be, and is hereby, created a conservation and

reclamation district by the name of "Sabine-Neches Conservation District," which district is created as a governmental agency, body politic, and corporate, vested with all the authority as such under the Constitution and Laws of the State; and which shall have and be recognized to exercise all of the powers of such governmental agency and body politic and corporate as are expressly authorized in the provisions of the Constitution, Section 59 of Article XVI, for districts created to conserve, store, control, preserve, utilize, and distribute the storm and flood waters and the waters of the rivers and streams of the State, and such powers as may be contemplated and implied by the purposes of this provision of the Constitution, and as may be conferred by General Law, as well as by the provisions of this Act, except nothing herein contained shall authorize said district to levy any taxes or special assessments, or to create any debt payable out of taxation; and said district shall have and be recognized to exercise all the rights and powers of an independent governmental agency, body politic, and corporate, to construct, maintain, and operate, in the valleys of the Sabine and Neches Rivers and their tributaries, within or without the boundaries of such district, any and all works deemed essential to the operation of the district and for its administration in the control, storing, preservation, and distribution to all useful purposes of the waters of the Sabine and Neches Rivers and their tributary streams, including the storm and flood waters thereof; and such district shall have and be recognized to exercise such authority and power of control and regulation over such waters of the Sabine and Neches Rivers and their tributaries as may be exercised by the State of Texas, subject to the provisions of the Constitution and the Acts of the Legislature.

Sec. 2. Any drainage, conservation, reclamation, or other district heretofore created by the State of Texas with powers provided in Section 59 of Article XVI of the Constitution, shall have the authority, power, and right to co-ordinate its plans with the district herein created and shall have full authority, power, and right to enter into joint undertakings for the purposes for which the districts are created. Provided, however, that all such acts must be approved by a

majority of the boards of directors of all districts involved.

Sec. 3. The territory which shall be embraced within the boundaries of said "Sabine-Neches Conservation District" shall be that part of the State of Texas defined as follows: Smith, Wood, Van Zandt, Camp, Upshur, Anderson, Henderson, Kaufman, Angelina, Nacogdoches, Cherokee, San Augustine, Sabine, Jasper, Newton, Gregg, Harrison, Panola, Rusk, Shelby, Hunt, Rains, Houston, Trinity, Polk, Orange, Bowie, Cass, Hopkins, Collin, Rockwall, and Marion Counties.

Sec. 4. The management and control of all the affairs of such district shall be vested in the board of directors, consisting of thirty-two members, one member being chosen from each county, or portion of county, lying within the "Sabine-Neches Conservation District," as created by this Act, all of whom shall be freehold property taxpayers and legal voters of such district. Such board of directors shall be appointed by the Governor of Texas as soon as practicable after the passage of this Act, one-third of the members to be appointed for a term of two (2) years, one-third of the members thereof to be appointed for a term of four (4) years and the remaining members thereof to be appointed for a term of six (6) years, and upon the expiration of the respective terms of said directors, the successors of each and all of them shall be appointed thereafter for a term of six (6) years. The directors shall hold office after their appointment and qualification until their successors shall be appointed and qualified. Should any vacancy occur in the board of directors, the same shall be filled in like manner by the Governor of Texas for the unexpired term. The directors appointed shall, within fifteen (15) days after their appointment, qualify by taking the official oath and filing a good and sufficient bond with the Secretary of State; the official bond of each director to be in the sum of one thousand dollars (\$1,000), shall be payable to the district, shall be conditioned upon the faithful performance of their duties as such directors, and shall be subject to approval by the Secretary of State. The Board of Directors shall elect annually, for the term of one year, five members thereof, who shall be known as the "Board of Managing Directors," and when so elected they

shall continue to perform the duties of directors, and shall receive no compensation other than as provided for directors herein.

Sec. 5. The directors of the district shall organize by electing one of their members president, one vice-president, and one secretary. Seventeen directors shall constitute a quorum at any meeting and a concurrence of a majority of those present shall be sufficient in all matters pertaining to the business of the district, except the letting of construction contracts and the authorization of issuance of warrants paying therefor, which shall require the concurrence of twenty-two directors. Warrants for the payment of money may be drawn and signed by two officers or employes designated by standing order entered on the minutes of the directors when such accounts have been contracted and ordered paid by the board of directors.

Sec. 6. The directors of the district shall require all officers and employes who shall be charged with the collection or paying or handling of any funds of the district under their orders, to furnish good and sufficient bonds, with a duly authorized surety company as surety thereon, payable to the district, conditioned upon the faithful performance of their duties and accounting for all funds and property of the district coming into their hands, which bonds shall be in sufficient sums to safeguard the district.

Sec. 7. The president shall preside at all meetings of the board and shall be the chief executive officer of the district. The vice-president shall act as president in the case of the absence or disability of the president. The secretary shall act as a secretary of the board of directors and shall be charged with the duty of seeing that all records and books of the district are properly kept. In case of the absence or inability of the secretary to act, a secretary pro tem. shall be selected by the directors. The directors shall hold regular meetings at the office of the district on the first Monday in February, May, August, and November of each year at 10 o'clock a. m., and may hold other meetings at such other times as the business of the district may require.

Sec. 8. The directors shall receive as fees of office the sum of not to exceed ten dollars (\$10) per day for

each day of service necessary to discharge their duties, provided such service is authorized by vote of the board of directors. They shall file with the secretary a verified statement showing the actual number of days of service each month on the last day of the month, or as soon thereafter as possible and before a warrant shall be issued therefor.

Sec. 9. The directors shall keep a true and full account of all their meetings and proceedings and preserve their minutes, contracts, records, notices, accounts, receipts, and records of all kinds in a fireproof vault or safe. The same shall be the property of the district and subject to public inspection. A regular office shall be established and maintained for conduct of the district business within the district.

Sec. 10. A complete book of accounts shall be kept. The account books and records of the district and of the depository of the district shall be audited by a certified public accountant annually as soon as practicable after the expiration of each year, such audit to cover the preceding calendar year, and report thereon shall be submitted to the first regular meeting of the board of directors thereafter. Said report shall be in quadruplicate, one copy being filed in the office of the district, one with the depository of the district, one in the office of the auditor, and one with the State Board of Water Engineers, all of which shall be open to public inspection.

Sec. 11. The directors may employ a managing director for the district and may give him full authority in the management and operation of the district affairs (subject only to the orders of the board of directors). Compensation to be paid such managing director and all employes shall be fixed by the board of directors and all employes may be removed by the board.

Sec. 12. All bonds required to be given by directors, officers and employes of the district shall be executed by a surety company authorized to do business in the State, as surety thereon; and the district shall be authorized to pay the premiums on such bonds.

Sec. 13. No director of any such district, engineer or employe thereof shall be directly, or indirectly, inter-

ested either for themselves or as agents for any one else, in any contract for the purchase or construction of any work by said district, and if any such person shall, directly or indirectly, become interested in any such contract, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not to exceed one thousand dollars (\$1,000), or by confinement in the county jail not less than six months nor more than one year, or by both fine and imprisonment.

Sec. 14. The said district shall have and be recognized to exercise, in addition to all the hereinbefore mentioned powers, for the conservation and beneficial utilization of said waters, the power of control and employment of such waters of the Sabine and Neches Rivers and their tributaries, including the storm and flood waters thereof, in the manner and for the particular purposes hereinafter set forth:

(a) To provide through practical and legal means for the control and co-ordination of the regulation of the waters of the Sabine and Neches Rivers and their tributary streams.

(b) To provide by adequate organization and administration for the preservation of the equitable rights of the people of the different sections of the watershed area in the beneficial use of the waters of the Sabine and Neches Rivers and their tributary streams.

(c) For the storing, controlling and conserving the waters of the Sabine and Neches Rivers and their tributaries within and/or without such district, and the prevention of the escape of any of such waters without the maximum of public service; for the prevention of devastation of lands from recurrent overflows, and the protection of life and property in such district from uncontrolled flood waters.

(d) For the conservation of the waters of the Sabine and Neches Rivers and their tributaries essential for the domestic uses of the people of the district, including all necessary water supplies for cities and towns.

(e) For the irrigation of all lands in said district and/or lands without said district but within said watershed area where irrigation is required for agricultural purposes, or may be deemed helpful to more profitable agricultural production; and for the equitable distribution of said waters

to the regional potential requirements for all uses, domestic, manufacturing and irrigation. All plans and all works provided by said district, and as well, all works which may be provided under authority of said district, shall have primary regard to the necessary and potential needs for water, by or within the area in such district constituting the watershed of the Sabine and Neches Rivers and their tributary streams.

(f) For the better encouragement and development of drainage systems and provisions for drainage of lands in the valleys of the Sabine and Neches Rivers and their tributary streams needing drainage for profitable agricultural production; and drainage for other lands in the watershed area of the district requiring drainage for the most advantageous use.

(g) For the purpose of encouraging the conservation of all soils against destructive erosion and thereby preventing the increased flood menace incident thereto.

(h) To control and make available for employment said waters in the development of commercial and industrial enterprises in all sections of the watershed area of the district.

(i) For the control, storing, and employment of said waters in the development and distribution of hydroelectric power, where such use may be economically co-ordinated with other and superior uses, and subordinated to the uses declared by law to be superior.

(j) And for each and every purpose for which flood and storm waters when controlled and conserved may be utilized in the performance of a useful service as contemplated and authorized by the provisions of the Constitution and the public policy therein declared.

(k) To purchase and/or construct all works necessary or convenient for the exercise of the powers and to accomplish the purposes specified in this Act and to purchase or otherwise acquire all lands and/or other property necessary or convenient for carrying out any such purposes.

(l) The right of eminent domain is expressly conferred upon such district to enable it to acquire the fee simple title to, and/or easement or rights of way over and through, any and all lands, water, or lands under water, private or public, within and without such district, necessary or

convenient to carry out any of the purposes and powers conferred upon such district by this Act. All such condemnation proceedings shall be under the direction of the directors and in the name of the district, and the assessment of damages and all procedure with reference to condemnation, appeal and payment shall be in conformity with the statutes of this State as provided in the title of the Revised Statutes relating to "Eminent Domain."

(m) The board of directors of said district shall prescribe fees and charges to be collected for the use of water, water connections or other service, which fees and charges shall be reasonable and equitable and fully sufficient to produce revenues adequate to pay, and said board of directors shall cause to be paid therefrom:

(1) All expenses necessary to the operation and maintenance of the improvements and facilities of said district. Such operating and maintenance expenses shall include the cost of the acquisition of properties and materials necessary to maintain said improvements and facilities in good condition and to operate them efficiently, necessary wages and salaries of the district, and such other expenses as may be reasonably necessary to the efficient operation of said improvements and facilities.

(2) The annual or semi-annual interest upon any obligation issued hereunder payable out of the revenues of said improvements and facilities.

(3) The amount required to be paid annually into the sinking fund for the payment of any obligations issued hereunder payable out of the revenues of said improvements and facilities.

No other charge shall be made upon the revenues derived from said improvements and facilities so long as any obligations issued hereunder shall remain outstanding and unpaid as to principal or interest; provided, however, that out of revenues which may be received in excess of those required for the purposes listed in the above subparagraphs (1), (2), and (3), the board of directors may pay the cost of improvements and replacements not covered by said subparagraph (1), and may establish a reasonable depreciation and emergency fund.

It is the intent of this Act that the fees and charges of such district shall

not be in excess of what may be reasonably necessary to fulfill the obligations imposed upon said district by this Act.

(n) Such district, through its board of directors, shall have the right to employ managers, engineers, attorneys, and all necessary employees to properly construct, operate and maintain said works and carry out the provisions of this Act and to pay reasonable compensation, fixed by the board of directors, for such services.

(o) Such district, in addition to the powers hereinabove set out, shall have general power and authority to make and to enter into all contracts, leases and agreements necessary or convenient to carry out any of the powers granted in this Act, which contracts, leases and agreements may be entered into with any person, real or artificial, any corporation, municipal, public or private, and/or any government or governmental agency, including the United States Government and the State of Texas, and may convey, or cause to be conveyed, any of its properties, rights, lands, tenements, easements, improvements, reservoirs, canals, dams, plants, laterals, works and facilities to the United States Government or any agency thereof, and may enter into a lease with the United States Government, or any agency thereof relative thereto, and obligate itself to pay rental therefor out of the income and revenues thereof, with or without the privilege of purchase; provided, however, that nothing herein contained shall authorize the assumption by such district of any obligation requiring payment out of taxes. Any and all such contracts, leases and agreements herein authorized shall be approved by resolution of the board of directors of such district, and shall be executed by the president and attested by the secretary thereof.

(p) Such district shall have the right to sue and to be sued.

(q) Before such district shall establish a diversion point, construct the canals, pumping plants and other works herein provided for, it shall present to the Board of Water Engineers of the State of Texas, or such other agency performing the functions now performed by the Board of Water Engineers, plans and specifications of the same and obtain approval of such Board.

Sec. 15. The powers and duties herein devolved upon the said district shall be subject to the continuing rights of supervision by the State, which shall be exercised through the State Board of Water Engineers, and in appropriate instances, by the State Reclamation Engineer, each of which agencies shall be charged with the authority and duty to approve, or to refuse to approve, the adequacy of any plan or plans for flood control or conservation improvement purposes devised by the district for the achievement of the plans and purposes intended in the creation of the district, and which plans contemplate improvements supervised by the respective State authorities under the provisions of the general law.

Sec. 16. Said district shall have and may exercise such functions, powers, authority, rights and duties as may permit the accomplishment of the purposes for which it is created, including investigating and planning, acquiring, constructing, maintaining, and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works, and facilities which it may deem necessary or proper for the accomplishment of said purposes, including the acquisition within and/or without said district of lands, rights of way, water rights, and all other properties, tenements, easements, and all other rights incident, helpful to or in aid of carrying out the purposes of said districts as herein defined; and this Act in all of its terms and provisions shall be liberally construed and effectuate each and all of the purposes thereof.

Sec. 17. Said district may receive grants and borrow money from the Federal Emergency Administration of Public Works of the United States, or from any other department or agency of the United States, or from any other source, and in evidence thereof may issue the notes, warrants, certificates of indebtedness, or other form of obligations of such district, payable solely out of the revenues to be derived from said improvements and facilities and the operations and devices thereof.

Sec. 18. Each issue of obligations authorized hereunder shall constitute a separate series and shall be appropriately designated. Such obligations shall not constitute an indebtedness

or pledge of the credit of such district, shall never be paid in whole or in part out of any funds raised or to be raised by taxation, and shall contain a recital to that effect. All obligations issued hereunder shall be in registered or coupon form and if in coupon form may be registerable as to principal only, or as to both principal and interest, shall bear interest at a rate not to exceed six per cent per annum, payable annually or semiannually, and shall be in such denominations and shall mature serially or at one time not more than fifty years from their date in such manner as may be provided by the board of directors. Principal of and interest on such obligations shall be made payable at any place or places within or without the State of Texas and in the discretion of the board of directors; such obligations may be made redeemable at the option of said board prior to maturity at such premium or premiums as the board shall determine. Such obligations shall be signed by the president and secretary of the board of directors, and the interest coupons attached thereto may be executed with the facsimile signatures of such officers. Such obligations shall be sold in such manner and at such time as the board of directors shall determine to be expedient and necessary to the interest of the district, provided, that in no event shall such obligations be sold for a price which will result in an interest yield therefrom of more than six per cent computed to maturity, according to standard bond tables in general use by banks and insurance companies. In the event any of the officers whose signatures are on such obligations or coupons shall cease to be such officers before the delivery of such obligations to the purchaser, such signature or signatures, nevertheless shall be valid and sufficient for all purposes. All obligations issued hereunder shall constitute negotiable instruments within the meaning of the Negotiable Instruments Law.

Sec. 19. Any obligations issued hereunder may be issued payable from and secured by the pledge of all the revenues derived from the operation of the improvements and facilities of the district, exclusive of any revenues derived from taxation of assessments, or may be payable from and secured by the pledge of only such revenues as may be derived from

the operation of the improvements and facilities acquired with the proceeds of the sale of such obligations, or may be payable from and secured by the pledge of a specific part of the revenues derived from the operation of the improvements and facilities of the district, all as may be provided in the proceedings authorizing the issuance of such obligations. If more than one series of obligations shall be issued under the provisions of this Act payable from and secured by identical revenues, priority of lien against such revenues shall depend on the time of delivery of such obligations, each series enjoying a lien against such revenues prior and superior to that enjoyed by any other series of obligations subsequently delivered, provided, however, that as to any issue or series of obligations which may be authorized as a unit but delivered from time to time in blocks, the board of directors may, in proceedings authorizing the issuance of such obligations, provide that all of the obligations of such series or issue shall be co-equal as to lien regardless of the time of delivery.

Sec. 20. Any resolution or order authorizing the issuance of obligations under the provisions hereof shall provide for the creation of a sinking fund into which shall be paid from the revenues pledged to the payment of such obligations from month to month as said revenues are collected, sums fully sufficient to pay principal of and interest on such obligations. The money in such sinking fund shall be applied solely to the payment of interest on the obligations for the payment of which such fund is created and for the retirement of said obligations at or prior to maturity in the manner herein provided. The board of directors may at the time obligations are authorized hereunder provide that all money in such sinking fund in excess of the amount required for the payment of interest on and principal of such outstanding obligations for such period as it may determine shall be expended once each year pursuant to its order in the purchase of obligations for the account of which such sinking fund has been accumulated, if any such obligations can be purchased at a price which shall seem reasonable to the board, and may provide that in the event such obligations contain an option permitting retirement prior to maturity, then such excess sums shall

be paid out as aforesaid for the purchase of such obligations, but that if the board shall be unable to so purchase sufficient obligations of said issue to absorb all such surplus it shall call for redemption of a sufficient amount of such obligations to absorb so far as practicable the entire surplus remaining in said sinking fund. It may be provided that any excess in the sinking fund which cannot be applied to the purchase or redemption of obligations shall remain in said sinking fund to be used for payment of principal or interest when due, or for the subsequent call of obligations for purchase or redemption in the manner above provided.

Sec. 21. Any resolution or order authorizing the issuance of obligations hereunder may contain such covenants with the holders of the obligations as to the management and operation of said improvements and facilities, collection of fees and charges for the use thereof, disposition of such fees and charges, issuance of future obligations and creation of future liens, mortgages, and encumbrances against said improvements and facilities, and the revenues thereof and other pertinent matters, as may be deemed necessary to insure the marketability of said obligations, provided such covenants are not inconsistent with the provisions of this Act.

Sec. 22. Any resolution or order authorizing the issuance of obligations hereunder shall provide that the revenues from which such obligations are to be paid and which are pledged to the payment of such obligations shall from month to month as the same shall accrue and be received, be set apart and placed in the sinking fund and disbursed in the manner hereinabove provided. In fixing and determining the amount of revenues which shall be so set aside, the board of directors shall provide that the amount to be set aside and paid into said fund in any year or years shall be not less than a fixed sum, which sum shall be at least sufficient to provide for the payment of the interest on and principal of all obligations maturing and becoming payable in each year, together with a surplus or margin of ten per cent in excess thereof.

Sec. 23. Any holder of obligations issued hereunder or of coupons originally attached thereto, may either at law or in equity, by suit,

action, mandamus, or other proceeding, enforce and compel performance of all duties required by this Act to be performed by the board of directors, including the making and collecting of reasonable and sufficient fees or charges for the use of the improvements and facilities of the district, the segregation of the income and revenues of such improvements and facilities, and the application of such income and revenues pursuant to the provisions of this Act. If there be any default in the payment of the principal of or interest on any of such obligations, any holder thereof shall be entitled to have an administrator or receiver appointed by any court having jurisdiction to administer and operate the improvements and facilities, the revenues of which are pledged to the payment of such obligations, in behalf of the district and the holders of such obligations, with power to fix and collect fees and charges sufficient to provide for the payment of operation and maintenance expenses as hereinabove defined, and to pay any obligations or interest coupons outstanding payable from the revenues of such improvements and facilities, and to apply the income and revenues thereof in conformity with the provisions of this Act and the proceedings authorizing the issuance of said obligations.

Sec. 24. As additional security for the payment of any obligations issued hereunder, the board of directors may in its discretion have executed in favor of the holders of such obligations an indenture mortgaging and encumbering the improvements, facilities, and properties acquired with the proceeds of the sale of such obligations, and/or all of the improvements, facilities, and properties of the district, and may provide in such encumbrance for a grant to any purchaser or purchasers at foreclosure sale thereunder of a franchise to operate such improvements, facilities, and properties for a term of not over fifty years from the date of such purchase, subject to all laws regulating same then in force. Any such indenture may contain such terms and provisions as the board of directors shall deem proper and shall be enforceable in the manner provided by the laws of Texas for the enforcement of other mortgages and encumbrances. Under any sale ordered pursuant to the provisions of such mortgage or encumbrance, the purchaser or pur-

chasers at such sale, and his or their successors or assigns, shall be, and hereby are vested with a permit and franchise to maintain and operate the improvements, facilities, and properties purchased at such sale with like powers and privileges as may theretofore have been enjoyed by the district in the operation of said improvements, facilities, and properties. The purchaser or purchasers of such improvements, facilities, and properties at any such sale, and his or their successors and assigns, may operate said improvements, facilities, and properties as provided in the last above sentence or may at their option remove all or part of said improvements, facilities, and properties for diversion to other purposes. Any Statutes of the State of Texas pertaining to the granting of franchises shall not be applicable to the authorization or execution of any mortgage or encumbrance entered into pursuant to the provisions of this Act, nor to the granting of any franchise hereunder.

Sec. 25. The proceeds of the sale of any obligations issued hereunder may be deposited in such bank or banks as may be agreed upon between the purchaser at such sale and the board of directors, and may be deposited and paid out pursuant to such terms and conditions as may be so agreed upon, it being expressly provided that the Statutes of Texas pertaining to the deposit of the district funds in the depository of such district shall not be applicable to the deposit of the proceeds of such sale. Any part of the proceeds of the sale of obligations issued hereunder, which may remain unexpended after the project for which the obligations were authorized, has been completed, may be paid into the sinking fund for the payment of said obligations and be used only for the payment of principal of such obligations, or for the purposes of acquiring such outstanding obligations by purchase in the manner hereinabove provided.

Sec. 26. The board of directors is authorized to enter into an agreement or agreements with the purchaser or purchasers of any obligations issued hereunder under the terms of which such board shall agree to keep all of the improvements and facilities, the revenues of which are pledged to the payment of such obligations, insured with insurers of good standing against loss or damage by fire, water,

or flood, and also from any other hazards customarily insured against by private companies operating similar properties, and to carry with insurers of good standing such insurance covering the use and occupancy of such property as is customarily carried by such private companies. The cost of such insurance shall be budgeted as maintenance and operation expense and such insurance shall be carried for the benefit of the holders of such obligations.

Sec. 27. Any obligations issued pursuant to the provisions of this Act shall be exempt from taxation by the State of Texas or by any municipal corporation, county, or other political subdivision or taxing district of the State.

Sec. 28. Such district issuing obligations under the provisions hereof may thereafter authorize and issue its refunding obligations on such terms as its board of directors may deem advisable for the purpose of providing for the retirement of any such outstanding obligations, either due or to become due, which refunding obligations may be either exchanged for like par amounts of such outstanding obligations or may be sold and the proceeds of sale so applied. Any refunding obligations authorized and issued pursuant hereto shall be subject to the provisions of this Act pertaining to the issuance of other obligations and shall be secured in all respects to the same extent and be payable from the same revenues as were the obligations refunded thereby.

Sec. 29. Before any such obligation shall be issued, such district shall submit a certified copy thereof and of the proceedings for their issuance, together with any additional information which may be required, to the Attorney General of Texas for approval, and when so approved, such obligations shall be issued after registration with the Comptroller of the State of Texas.

Sec. 30. This Act, without reference to other Statutes of the State of Texas, shall constitute full authority for the authorization and issuance of obligations hereunder and for the accomplishment of all things herein authorized to be done, and no proceedings relating to the authorization or issuance of such obligation or the doing of such things shall be necessary except such as are herein re-

quired, and neither the Bond and Warrant Law of 1931 or any other provisions of the laws of the State of Texas pertinent to the authorization or issuance of obligations, the operation and maintenance of such improvements and facilities, the granting of franchises or permits, the right to elections or referendum petitions, or in anywise impeding or restricting the carrying out of the acts authorized to be done hereunder, shall be construed as applying to any proceedings had hereunder or acts done pursuant hereto.

Sec. 31. This district or any conservation and reclamation district, heretofore or hereafter created by either local or special law, shall have the authority, and it is hereby authorized, to issue its revenue bonds, secured only by pledge of the revenues of the district, as authorized by the law under which any such district is created or organized, in any such amount as may be authorized by the directors of such district; and any provision of any law or Act, general or special, which limits the amount of such bonds which may be issued by any such district, is hereby repealed.

Sec. 32. Nothing in this Act shall be construed as affecting any existing rights or existing priorities in the rights to water from the source of supply and neither the formation of the district hereunder nor a contract for the purchase of water with such district shall ever be held to be an abandonment or waiver of said rights or priorities, or an abandonment of the original point of diversion from the source of supply, but all such rights existing at the time of the formation of such district shall be preserved.

Sec. 33. That said district or the contractor who employs the labor for construction of any improvements for said district shall be required to give preference to persons who are on relief rolls or otherwise unemployed, including those required for office or clerical work, but excepting the key workers of such district or such contractor, provided such persons on relief or unemployed are capable of efficiently rendering the proper service in the various classifications of labor under which they are employed, and in the event there are not sufficient persons with the proper qualifications as aforesaid, then the district or the

contractor shall give preference to employment of qualified workers who reside in the locality where such improvements are to be constructed; and every contract expressly entered into by the district hereunder shall impose upon the contractor the obligation to give preference in employment to such needy persons upon relief rolls or otherwise as provided herein, and shall expressly impose upon such contractor the obligations provided for in this section; provided nothing in this section contained shall conflict with the requirements of any Federal agency providing any funds for such district.

Sec. 34. There is hereby appropriated, and there shall be paid to said district out of the General Fund not otherwise appropriated, the sum of five thousand dollars (\$5,000), which said sum shall be used for defraying the expenses of making engineering surveys, plans and specifications, for the compilation of other necessary data, for abstracts of title, and for the payment of necessary and proper expenses incidental to the application and negotiations for and securing the aid and assistance of the Federal Emergency Administration of Public Works, or other governmental bodies of the United States, and in connection with the organization of the district, and any and all expenses necessary to the management of the affairs of the district. Provided, however, that none of the amount appropriated herein shall be used to pay any expenses or costs incurred prior to the effective date of this bill. Provided that none of the funds herein appropriated shall be used to pay for options on lands in said district.

Sec. 35. If any paragraph, clause, or provision of this Act shall be held unconstitutional, the validity of the other provisions of this Act shall not be affected thereby, but shall remain in full force and effect.

Sec. 36. The importance of this legislation to the section of the State affected thereby creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be, and the same is hereby, suspended, and that this Act shall take effect and be in force from and after the passage thereof, and it is so enacted.

Respectfully submitted,

REDDITT,
BURNS,

HILL,
COTTEN,
PACE,

On the part of the Senate;

GLASS,
ROACH of Angelina,
TILLERY,
ALSUP,
JONES of Shelby,

On the part of the House.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. J. R. No. 22, Proposing an amendment to Section 1, Article VIII of the Constitution of Texas, by adding thereto a subsection to be known as Section 1-a of Article VIII, etc.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 720, "An Act ratifying the Interstate Compact made by the Governor of Texas with the Governors and their representatives of other oil-producing States at Dallas, Texas, on February 16, 1935; providing that same shall be effective in accordance with the terms thereof; providing for a representative to the Interstate Oil Compact Commission; providing for withdrawal by the State from such compact, making an appropriation, and declaring an emergency."

NOTICE GIVEN

Mr. Reader gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 5, which bill was heretofore laid on the table subject to call.

SENATE JOINT RESOLUTION NO. 22 ON FIRST READING

The following Senate joint resolution, received from the Senate today, was laid before the House, read

first time, and referred to the appropriate committee, as follows:

Senate Joint Resolution No. 22, to the Committee on Constitutional Amendments.

NOTICES GIVEN

Notices were given, by the authors of the bills which were heretofore laid on the table subject to call, that motions would be made to call up said bills on the next legislative day.

LEAVE OF ABSENCE GRANTED

(By Unanimous Consent)

Mr. Jones of Shelby was granted leave of absence for today and the balance of the week on account of illness, on motion of Mr. Dunlap of Kleberg.

ADJOURNMENT

Mr. Daniel moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Reed of Bowie moved that the House adjourn until 9 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Daniel, it prevailed, and the House, accordingly, at 5:30 o'clock p. m., adjourned until 9:30 o'clock a. m., April 12.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Agriculture: Senate Bill No. 227 and House Bill No. 657.

Conservation and Reclamation: Senate Bill No. 435.

Criminal Jurisprudence: Senate Bill No. 405.

Education: House Bills Nos. 25 and 508; Senate Bills Nos. 274 and 402.

Game and Fisheries: House Bills Nos. 936, 948, 795, and 843; Senate Bill No. 457.

Insurance: Senate Bills Nos. 41 and 46.

Judiciary: House Bills Nos. 920, 923, 925, and 959; Senate Bills Nos. 26, 280, 366, and 367.

Public Health: Senate Bill No. 84.

Public Lands and Buildings: House Bill No. 953.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 4, A bill to be entitled "An Act to amend Chapter 210, Acts of the Regular Session of the Forty-first Legislature, empowering the State Textbook Commission to adopt a multiple list of textbooks in German and Czech languages for use in high schools; commercial arithmetic, and bookkeeping in the English language, and also other high school texts on such other subjects for use in junior high schools as may be determined by a seven-ninths vote of said Commission, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 28, A bill to be entitled "An Act to dedicate to the Permanent School Fund all moneys derived from the sale of minerals in river beds, and from the sale of mineral leases on such areas and royalties therefrom, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 39, A bill to be entitled "An Act repealing Chapter 53, Acts of the Regular Session of the Forty-second Legislature, 1931; to encourage and aid in the conservation of soil fertility in the counties of Texas, and to maintain the productiveness of agricultural lands for the production of essential foods and commercial crops upon which the public well-being depends; authorizing co-operation be-

tween the counties and owners of lands in conserving soil fertility, etc.,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 10, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 61, A bill to be entitled
"An Act declaring the collared peccary
or javelina a game animal; providing
an open season for taking same and
the number that may be taken or
possessed; prohibiting the sale of any
peccary or part of such animal; pro-
viding suitable penalty, and declaring
an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 10, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 66, A bill to be entitled
"An Act to amend Section 3 of House
Bill No. 20, Chapter 90, page 234,
Acts of the Forty-third Legislature,
First Called Session, by providing
that all of the revenue derived from
the sale of cigarette stamps should be
credited to the Available School Fund;
and providing this Act shall become
effective September 1, 1935, and de-
claring an emergency."

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 10, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 104, A bill to be entitled
"An Act authorizing the board of
trustees of the public free schools of
the State of Texas to make appropri-
ations of funds and/or other property
and the income therefrom, heretofore
donated or which may hereafter be
donated to them, when specific pur-
pose for such donation has not been
designated by the donor, for the pur-

pose of creating and establishing a
retirement fund for the superintend-
ents, principals, supervisors, teachers
and other regular salaried employes
of said schools in their respective dis-
tricts, and making it mandatory and
compulsory for said board of trustees
to appropriate said fund and/or other
property and the income therefrom
for such purpose when petitioned by
the donor or his or her legal repre-
sentatives when said funds and/or
other property and the income there-
from heretofore donated has not been
appropriated for other purposes, etc.,
and declaring an emergency."

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 10, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 141, A bill to be entitled
"An Act declaring it to be the policy
of the State to provide for the stand-
ardization of tomatoes as a protection
to grower, shipper, carrier, receiver,
and consumer; placing the jurisdic-
tion of grades and classifications
thereof under the direction of the
Commissioner of Agriculture of the
State of Texas, etc., and declaring an
emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 10, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 178, A bill to be entitled
"An Act to amend Section 1, Chapter
56, Acts of the Fortieth Legislature,
Article 7589a, Vernon's Revised Civil
Statutes, respecting the diversion of
the natural flow of surface waters or
permitting such diversion to continue
or impound such waters or permit the
impounding thereof to continue in
such manner to damage property of
another by the overflow of such di-
verted or impounded waters and pro-
viding for damages at law and in
equity occasioned thereby, and provid-
ing that this Act shall in no way
affect the construction and mainte-

nance of levees or other improvements for controlling overflows and freshets in rivers, etc.,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 188, A bill to be entitled "An Act to declare the validity of certain indebtedness arising out of the construction of State Highway No. 2 in the County of Johnson; to place such indebtedness on a parity with bonds, warrants, and other evidence of indebtedness heretofore authorized to be paid out of the 'county and district road highway fund,' etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 265, A bill to be entitled "An Act amending Article 1583 of the Penal Code of Texas, 1925, relating to work and vacation of firemen and policemen in cities of more than 25,000 inhabitants and in cities of more than 30,000 inhabitants; providing penalties for violation of the provisions of this article, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 200, A bill to be entitled "An Act to amend Article 211 of Title 5, of the Revised Criminal Statutes of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 157, A bill to be entitled "An Act to provide that constables shall be responsible for the official acts of their deputies; empowering constables to require bond and security of their deputies; providing remedies in favor of constables against their deputies and sureties, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 166, A bill to be entitled "An Act amending Article 3832, Title 57, 1925 Revised Civil Statutes of the State of Texas, adding thereto other forms and kinds of personal property that shall be reserved to every family, exempt from attachment or execution and every other species of forced sale for the payment of debts, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 297, A bill to be entitled "An Act to amend Article 484 of the Penal Code of the State of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 298, A bill to be entitled

"An Act to repeal Article 543 of the Penal Code of the State of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 296, A bill to be entitled "An Act repealing Article 1032 of the Penal Code of the State of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 299, A bill to be entitled "An Act repealing Article 1445 of the Penal Code of the State of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 300, A bill to be entitled "An Act to amend Article 567 of the Penal Code of the State of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 301, A bill to be entitled "An Act to amend Article 7252 of

the Revised Civil Statutes of Texas, revision of 1925, and to repeal Article 7181 and Article 7182 of said Revised Statutes, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 302, A bill to be entitled "An Act to amend Article 2726 of the Revised Civil Statutes of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 304, A bill to be entitled "An Act relating to marks and brands of live stock in Fort Bend County only, requiring that each owner of any live stock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of 1925, shall, within six months after this Act takes effect, have his mark and brand for such stock recorded at the office of the county clerk of said county, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 312, A bill to be entitled "An Act to amend Article 4758 of the Revised Civil Statutes of 1925, providing for the deposit of securities, or the payment of taxes, fines, penalties, certificates of authority, valuation of policies, licenses, fees or any other special burden by an insurance corporation, fraternal beneficiary society or reciprocal exchange organ-

ized in a State, the laws of which require similar deposits in said State by similar companies organized under the laws of the State of Texas and transacting business in said State, etc.,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 306, A bill to be entitled "An Act amending Title 116 of the 1925 Revised Civil Statutes of Texas by adding thereto Article 6699-b, providing for the appointment, compensation, duties, expenses, equipment, and removal, etc., of county traffic officers,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 376, A bill to be entitled "An Act amending Article 1058, Code of Criminal Procedure, 1925, as amended by Acts of the Forty-second Legislature, Regular Session, page 222, Chapter 130, Section 1; providing for the compensation of grand jury bailiffs, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 368, A bill to be entitled "An Act changing the time of hold-in the terms of the District Court in the One Hundredth Judicial District, and providing that all process and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing

terms of district court in the counties composing said district, together with jurors heretofore selected, are valid and returnable to the first term of such court after this Act takes effect, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect to the end of their terms; repealing all conflicting laws; fixing the effective date of the Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 405, A bill to be entitled "An Act providing for a closed season on the killing or possessing of squirrels in the Counties of Leon and Madison from the first day of January of each year, through, and including the fifteenth day of May of each year, and during the months of August and September of each year, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 460, A bill to be entitled "An Act to create a more efficient road system for Rusk County, Texas, making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their expenses and compensations as road commissioners, and defining the powers and duties of such county commissioners; providing for eminent domain in the opening, widening, laying out, and straightening of public highways, and in securing material for the construction or maintenance of public highways in Rusk County, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 23, Proposing an amendment to the Constitution authorizing the Legislature to provide for workmen's compensation insurance for employes of the State Highway Department and other State employes, and authorizing the Legislature to provide for the payment of premiums on such policies of insurance,

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 9, Proposing an amendment to Section 26 of Article III of the Constitution of Texas, by adding thereto Section 26-a, providing that under no apportionment shall any county be entitled to more than seven Representatives unless the population of such county shall exceed seven hundred thousand people, etc.,

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 427, A bill to be entitled "An Act amending Article 3899 of the Revised Civil Statutes of 1925, as amended by Acts of the Forty-third Legislature, passed in its Regular Session, the same being Section 4, of Chapter 220, of Senate Bill No. 209; providing for the filing of an itemized sworn statement of all of the actual and necessary expenses incurred by certain officers; providing for an audit by the county auditor or commissioners court; providing for approval or rejection, etc., and declaring an emergency,"

Has carefully compared same, and finds is correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 496, A bill to be entitled "An Act authorizing county boards of school trustees to abolish and/or subdivide common school districts having fewer than ten scholastics and not having conducted a school for a period of five years; providing for the adjustment of bonded indebtedness and the distribution of funds; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 780, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1935, and ending August 31, 1937, and for other purposes; and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 278, A bill to be entitled "An Act ratifying and confirming a compact entered into by and between representatives of the State of Texas and the State of New Mexico, authorized by Act of the Regular Session of the Forty-second Legislature, and approved by the Governor on May 27, 1931, as shown in Chapter 251, Acts of the Forty-second Legislature, and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

REPORT OF THE COMMITTEE ON
ENROLLED BILLS

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the
House of Representatives.Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 720, "An Act ratifying the Interstate Compact made by the Governor of Texas with the Governors and their representatives of other oil-producing States at Dallas, Texas, on February 16, 1935; providing that same shall be effective in accordance with the terms thereof; providing for a representative to the Interstate Oil Compact Commission; providing for withdrawal by the State from such Compact; making an appropriation, and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

FORTY-NINTH DAY

(Friday, April 12, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Cowley
Adamson	Craddock
Adkins	Crossley
Aikin	Daniel
Alexander	Davis
Alsup	Davison of Fisher
Ash	Davison
Atchison	of Eastland
Beck	Dickison
Bergman	Dunagan
Bourne	Dunlap of Hays
Bradbury	Dunlap of Kleberg
Bradford	Duval
Broyles	Dwyer
Burton	England
Butler of Brazos	Fain
Butler of Karnes	Farmer
Cagle	Fisher
Caldwell	Fitzwater
Calvert	Ford
Canon	Fox
Celaya	Frazer
Clayton	Fuchs
Collins	Gibson
Colquitt	Glass
Colson	Good
Cooper	Graves

Gray	McKinney
Greathouse	Moffett
Hankamer	Moore
Hanna	Morris
Hardin	Morrison
Harris of Archer	Morse
Harris of Dallas	Newton
Hartzog	Padgett
Head	Patterson
Herzik	Payne
Hill	Pope
Hodges	Quinn
Hofheinz	Reader
Holland	Reed of Bowie
Hoskins	Reed of Dallas
Howard	Riddle
Huddleston	Roach of Angelina
Hunt	Roark
Hunter	Roberts
Hyder	Rogers
Jackson	Russell
James	Rutta
Jefferson	Settle
Jones of Atascosa	Shofner
Jones of Falls	Smith
Jones of Runnels	Spears
Jones of Wise	Stanfield
Keefe	Steward
King	Stinson
Knetsch	Stovall
Lange	Tarwater
Lanning	Tennyson
Latham	Thornton
Leath	Tillery
Lemens	Venable
Leonard	Waggoner
Lindsey	Walker
Lotief	Wells
Lucas	Westfall
Luker	Wood of Harrison
Mauritz	Wood of Montague
McCalla	Worley
McConnell	Young
McFarland	Youngblood
McKee	

Absent

Scarborough

Absent—Excused

Jones of Shelby	Petsch
Nicholson	Roach of Hunt
Olsen	Roane
Palmer	

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain, offered the following invocation:

"Lord, our God, wilt Thou give us wisdom as a people, that large parts of our fair land be not turned into deserts, and as a nation that our abundance be not turned into want. Bless and guide those in places of

authority and ourselves, that we may contribute only to the good of our State and our people. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Petsch for today, on motion of Mr. Jones of Wise.

Mr. Olsen for this morning, on motion of Mr. Gray.

Mr. Latham was granted tempo-

rary leave of absence for today, on motion of Mr. Aikin.

The following members were granted leaves of absence on account of illness:

Mr. Nicholson for today, on motion of Mr. Tarwater.

Mr. Roane for today, on motion of Mr. Atchison.

THE SPIRIT OF TEXAS

On motion of Mr. Lotief, the following was ordered printed in the Journal:

THE SPIRIT OF TEXAS

This "Empire of Texas" tradition relates,
Was founded by heroes from all other States,
In old covered wagons with principles true,
Came pioneer spirits (their families, too)
Like Austin and Houston, to this virgin soil,
And founded this "empire" with blood and with toil.

The spirit of Texas! Let's honor it then,
Because it ennobles our women and men.
No greater love ever has any man known
Than that which our heroes of Texas have shown
For freedom of Texas and Liberty's cause,
Our great institutions, traditions and laws.
With character stalwart and purposes true,
They builded far better than even they knew.

This Spirit led Crockett of Alamo fame,
Who died for our freedom. We honor his name.
This Spirit has hallowed our blue Southern skies;
Has welded our people with true, sacred ties;
And out in the spaces where bluebonnets grow,
On mountains, in valleys—wherever you go—
You find this great Spirit in Texans from birth,
Which makes them our heroes—the salt of the earth.

The glory of Athens, the pride of all Greece,
Its culture and triumphs in war and in peace,
Though founded on justice and Liberty's creed,
Were ruined by selfish and tyrannous greed.
Her glory in ruins, by selfishness wrought,
Is food for all Texans' most serious thought.
This "Spirit of Texas" all systems indicts,
Which value the dollar above human rights.

No armies could conquer the legions of Rome
When Romans were fighting for honor and home;
But Rome became greedy for power and wealth,
And avarice weakened her national health;
Then crime and corruption, the fruit of all greed,
Soon followed in sequence, as corn from the seed.
So Rome fell a victim to Vandals of Gaul,
And Romans and riches went down with the fall.

In Texas the farmer, the banker, the priest,
The cowboy, the statesman—the greatest and least—
Must stand on one level, and act on the square;
Must fight, if there needs be, must do and must dare,
The "Spirit of Texas" means justice to all;
Imbued with this Spirit, no nation can fall.
So glorify Texas and honor its name—
The "Spirit of Texas," let Texans proclaim!

—A Texan.

HOUSE BILLS ON FIRST READING

Mr. Stinson moved to introduce at this time, and have placed on first reading, House Bill No. 960.

The motion prevailed by the following vote:

Yeas—107

Adkins	Jackson
Alsup	James
Bergman	Jones of Atascosa
Bourne	Jones of Falls
Bradbury	Jones of Runnels
Bradford	Jones of Wise
Broyles	King
Butler of Karnes	Knetsch
Cagle	Lange
Canon	Lanning
Celaya	Latham
Clayton	Leonard
Colson	Lindsey
Cooper	Lotief
Craddock	Lucas
Crossley	Luker
Daniel	Mauritz
Davis	McCalla
Davison of Fisher	McConnell
Davisson	McFarland
of Eastland	McKee
Dickison	McKinney
Dunlap of Kleberg	Moffett
Duvall	Moore
Dwyer	Morrison
Fain	Newton
Farmer	Patterson
Fisher	Payne
Fitzwater	Pope
Ford	Quinn
Fox	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Riddle
Glass	Roach of Angelina
Good	Roberts
Graves	Rutta
Gray	Shofner
Greathouse	Smith
Hankamer	Stanfield
Hanna	Steward
Hardin	Stinson
Harris of Archer	Stovall
Harris of Dallas	Tarwater
Head	Tennyson
Herzik	Thornton
Hodges	Tillery
Hofheinz	Venable
Holland	Walker
Hoskins	Westfall
Howard	Wood of Harrison
Huddleston	Wood of Montague
Hunt	Worley
Hunter	Young
Hyder	Youngblood

Absent

Adamson	Alexander
Aikin	Ash

Atchison	Keefe
Beck	Leath
Burton	Lemens
Butler of Brazos	Morris
Caldwell	Morse
Calvert	Padgett
Collins	Reader
Colquitt	Roark
Cowley	Rogers
Dunagan	Russell
Dunlap of Hays	Scarborough
England	Settle
Frazer	Spears
Hartzog	Waggoner
Hill	Wells
Jefferson	

Present—Not Voting

Jones of Shelby	Petsch
Nicholson	Roach of Hunt
Olsen	Roane
Palmer	

Mr. Leonard moved to introduce at this time, and have placed on first reading, House Bill No. 961.

The motion prevailed by the following vote:

Yeas—102

Adkins	Hanna
Alexander	Hardin
Bergman	Harris of Archer
Bourne	Harris of Dallas
Bradbury	Herzik
Bradford	Hill
Broyles	Hodges
Butler of Karnes	Hofheinz
Cagle	Holland
Canon	Hoskins
Celaya	Howard
Colson	Huddleston
Cooper	Hunt
Craddock	Hyder
Crossley	Jackson
Daniel	Jones of Atascosa
Davis	Jones of Falls
Davison of Fisher	Jones of Runnels
Davisson	Jones of Wise
of Eastland	King
Dickison	Knetsch
Duvall	Lange
Dwyer	Lanning
Fain	Leonard
Farmer	Lotief
Fisher	Lucas
Fitzwater	Mauritz
Ford	McConnell
Fox	McFarland
Fuchs	McKee
Gibson	McKinney
Glass	Moffett
Graves	Moore
Gray	Morris
Greathouse	Newton
Hankamer	Padgett

Patterson	Stanfield
Payne	Steward
Pope	Stovall
Quinn	Tarwater
Reed of Bowie	Tennyson
Reed of Dallas	Thornton
Riddle	Tillery
Roark	Venable
Roberts	Walker
Rogers	Wells
Russell	Westfall
Rutta	Wood of Montague
Settle	Worley
Shofner	Young
Smith	Youngblood
Spears	

Nays—3

Lindsey	Wood of Harrison
McCalla	

Absent

Adamson	Good
Aikin	Hartzog
Alsup	Head
Ash	Hunter
Atchison	James
Beck	Jefferson
Burton	Keefe
Butler of Brazos	Latham
Caldwell	Leath
Calvert	Lemens
Clayton	Luker
Collins	Morrison
Colquitt	Morse
Cowley	Reader
Dunagan	Roach of Angelina
Dunlap of Hays	Scarborough
Dunlap of Kleberg	Stinson
England	Waggoner
Frazer	

Absent—Excused

Jones of Shelby	Petsch
Nicholson	Roach of Hunt
Olsen	Roane
Palmer	

Mr. Steward moved to introduce at this time, and have placed on first reading, House Bill No. 963.

The motion prevailed by the following vote:

Yeas—104

Adkins	Caldwell
Aikin	Canon
Alexander	Colquitt
Alsup	Colson
Ash	Cooper
Atchison	Craddock
Bergman	Crossley
Bourne	Daniel
Bradbury	Davis
Broyles	Davison of Fisher
Butler of Karnes	Davisson
Cagle	of Eastland

Dickison	Mauritz
Duvall	McCalla
Dwyer	McFarland
Fain	McKee
Farmer	McKinney
Fisher	Moffett
Fitzwater	Moore
Fox	Morris
Fuchs	Morrison
Gibson	Padgett
Glass	Patterson
Gray	Payne
Greathouse	Petsch
Hankamer	Reader
Hanna	Reed of Bowie
Hardin	Reed of Dallas
Harris of Archer	Riddle
Herzik	Roark
Hodges	Roberts
Hofheinz	Rogers
Holland	Russell
Hoskins	Rutta
Howard	Settle
Huddleston	Shofner
Hunt	Spears
Hunter	Stanfield
Hyder	Steward
Jackson	Stovall
James	Tennyson
Jones of Atascosa	Thornton
Jones of Falls	Tillery
Jones of Wise	Venable
King	Walker
Knetsch	Wells
Lange	Westfall
Lanning	Wood of Harrison
Latham	Wood of Montague
Leonard	Worley
Lindsey	Young
Lotief	Youngblood
Lucas	

Absent

Adamson	Hartzog
Beck	Head
Bradford	Hill
Burton	Jefferson
Butler of Brazos	Jones of Runnels
Calvert	Keefe
Celaya	Leath
Clayton	Lemens
Collins	Luker
Cowley	Morse
Dunagan	Newton
Dunlap of Hays	Pope
Dunlap of Kleberg	Quinn
England	Roach of Angelina
Ford	Scarborough
Frazer	Smith
Good	Stinson
Graves	Tarwater
Harris of Dallas	Waggoner

Absent—Excused

Jones of Shelby	Palmer
McConnell	Roach of Hunt
Nicholson	Roane
Olsen	

Mr. Greathouse moved to introduce at this time, and have placed on first reading, House Bill No. 964.

The motion prevailed by the following vote:

Yeas—99

Adkins	Jackson
Aikin	James
Alexander	Jones of Atascosa
Alsup	Jones of Falls
Ash	Jones of Runnels
Atchison	Jones of Wise
Bourne	Knetsch
Bradbury	Lange
Broyles	Lanning
Butler of Brazos	Latham
Butler of Karnes	Lemens
Cagle	Leonard
Canon	Lindsey
Celaya	Lotief
Colson	Lucas
Cooper	McFarland
Craddock	McKee
Crossley	Moffett
Daniel	Moore
Davis	Morris
Davison of Fisher	Padgett
Dickison	Patterson
Duvall	Payne
Fain	Quinn
Farmer	Reader
Fisher	Reed of Bowie
Fitzwater	Reed of Dallas
Ford	Roach of Angelina
Fox	Roark
Fuchs	Roberts
Gibson	Rogers
Glass	Rutta
Good	Shofner
Graves	Smith
Gray	Spears
Greathouse	Stanfield
Hankamer	Steward
Hanna	Stovall
Hardin	Tarwater
Harris of Archer	Tennyson
Harris of Dallas	Thornton
Head	Tillery
Herzik	Venable
Hodges	Walker
Hofheinz	Wells
Holland	Westfall
Hoskins	Wood of Montague
Huddleston	Worley
Hunt	Youngblood
Hyder	

Nays—4

Howard	McCalla
King	McKinney

Absent

Adamson	Bergman
Beck	Bradford

Burton	Jefferson
Caldwell	Keefe
Calvert	Leath
Clayton	Luker
Collins	Mauritz
Colquitt	Morrison
Cowley	Morse
Davisson	Newton
of Eastland	Pope
Dunagan	Riddle
Dunlap of Hays	Russell
Dunlap of Kleberg	Scarborough
Dwyer	Settle
England	Stinson
Frazer	Waggoner
Hartzog	Wood of Harrison
Hill	Young
Hunter	

Absent—Excused

Jones of Shelby	Palmer
McConnell	Petsch
Nicholson	Roach of Hunt
Olsen	Roane

The Speaker then laid the following bills before the House; they were read first time, and referred to the appropriate committees, as follows:

By Mr. Stinson, Mr. Collins, Mr. Harris of Dallas, Mr. Colquitt, Mr. Reed of Dallas, Mr. Hofheinz, Mr. Morse, and Mr. Holland:

H. B. No. 960, A bill to be entitled "An Act authorizing any city of more than two hundred fifty thousand population, according to the last preceding census, to codify and adopt a code of civil and criminal ordinances without the necessity of publication, providing for the taking effect of said code upon adoption, providing for the reception in evidence of such code when printed under the supervision of the governing body of said city and the effect of such admission evidence, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Leonard:

H. B. No. 961, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State Treasury of the State of Texas for certain State eleemosynary institutions for additional support and maintenance of said institutions for the fiscal year ending August 31, 1935, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Steward:

H. B. No. 963, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, in counties having a population of not less than twenty-two thousand four hundred and fifty (22,450), and not more than twenty-two thousand, eight hundred fifty (22,850), according to the last preceding Federal Census, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion or other informal action; etc., and declaring an emergency."

Referred to Committee on Education.

By Mr. Greathouse:

H. B. No. 964, A bill to be entitled "An Act amending Article 3167 of the Revised Civil Statutes of the State of Texas so as to provide that delegates elected to political party county conventions, State conventions and National conventions of such parties must be qualified voters of the precinct; etc., and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

MOTION TO INTRODUCE BILL

Mr. Jefferson moved to introduce at this time, and have placed on first reading, House Bill No. 962.

By Mr. Jefferson, Mr. Reader, Mr. Dwyer, Mr. Dickison and Mr. Spears:

H. B. No. 962, A bill to be entitled "An Act prohibiting the State Highway Commission from abandoning certain highways designated and constructed as a part of the State Highway System; declaring void any orders attempting to abandon same, etc., and declaring an emergency."

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—74

Adkins	Davis
Ash	Davison of Fisher
Atchison	Davisson
Bradbury	of Eastland
Celaya	Dickison
Colson	Dunlap of Kleberg
Cooper	Duvall

Dwyer	McCalla
Fain	McConnell
Farmer	McFarland
Fisher	McKee
Fitzwater	McKinney
Ford	Moore
Fuchs	Morris
Gibson	Padgett
Glass	Patterson
Graves	Pope
Gray	Reader
Greathouse	Reed of Dallas
Hankamer	Riddle
Hanna	Roberts
Harris of Dallas	Settle
Hartzog	Shofner
Herzik	Smith
Holland	Spears
Hoskins	Stanfield
Howard	Steward
Huddleston	Stovall
Hyder	Tennyson
Jackson	Thornton
James	Tillery
Jefferson	Venable
Jones of Atascosa	Walker
Jones of Falls	Wells
King	Worley
Lange	Young
Lotief	Youngblood
Lucas	

Nays—33

Aikin	Hunter
Alexander	Jones of Wise
Alsup	Lanning
Bergman	Latham
Bourne	Lindsey
Broyles	Luker
Butler of Karnes	Mauritz
Cagle	Moffett
Canon	Reed of Bowie
Craddock	Roark
Crossley	Rogers
Daniel	Russell
Fox	Tarwater
Harris of Archer	Westfall
Hodges	Wood of Harrison
Hofheinz	Wood of Montague
Hunt	

Present—Not Voting

Jones of Runnels	Rutta
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Absent

Adamson	Cowley
Beck	Dunagan
Bradford	Dunlap of Hays
Burton	England
Butler of Brazos	Frazer
Caldwell	Good
Calvert	Hardin
Clayton	Head
Collins	Hill
Colquitt	Keefe

Knetsch	Payne
Leath	Quinn
Lemens	Roach of Angelina
Leonard	Scarborough
Morrison	Stinson
Morse	Waggoner
Newton	

Absent—Excused

Jones of Shelby	Petsch
Nicholson	Roach of Hunt
Olsen	Roane
Palmer	

(Mr. Alexander in the Chair.)

BILL LAID ON TABLE SUBJECT TO CALL

On motion of Mr. Daniel, House Bill No. 939 was laid on the table subject to call.

BILL ORDERED NOT PRINTED

On motion of Mr. Tillery, Senate Bill No. 401 was ordered not printed.

RELATIVE TO HOUSE CONCURRENT RESOLUTION NO. 76

On motion of Mr. Alsup, the Committee on Rules was instructed to make recommendation to the House on House Concurrent Resolution No. 76, which resolution proposes certain amendment to the Joint Rules.

CONCERNING ESTABLISHMENT OF CERTAIN CAMPS

Mr. Stovall offered the following resolution:

H. C. R. No. 78, Requesting establishment of CCC Camps along Trinity River.

Whereas, Trinity River runs through the most densely populated portion of the State of Texas, about one-sixth of the population being on its watershed, which comprises about one-fifth of the area of the State of Texas; and

Whereas, It is a sluggish stream, having but a few hundred feet fall from the source of its pollution to its mouth, and has innumerable drifts which seriously obstruct its flow; and

Whereas, In the most part the timber along this stream is dense and luxuriant, casting dense shadows over its water, encouraging breeding of mosquitoes and other pestilence; and

Whereas, There are thirty-seven towns and cities contributing sewage effluent to Trinity River; and

Whereas, There are more than 40,000,000 gallons of sewage effluent dis-

charged per day into Trinity River and its tributaries; and

Whereas, There are innumerable commercial plants and industries in the Cities of Dallas and Fort Worth contributing poisonous chemical discharges into this stream; and

Whereas, The aquatic life for a distance of one hundred miles or more from Fort Worth south is exterminated at certain seasons of the year; and

Whereas, The waters of this stream are rendered unusable and hurtful for man or beast and the atmosphere for miles along its course is rendered obnoxious and unhealthful to the inhabitants of the adjacent territory; and

Whereas, The poisoning of this stream is damaging materially to property adjacent thereto, and is highly unhealthful to a large population of Central Texas; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the chairman of the Civilian Conservation Corps is hereby urgently requested to place upon and along the Trinity River CCC Camps for the purpose of removing the drifts and obstructions to the flow of water, that timber skirting upon and shading the bed of the stream be cut and removed so that the unhampered rays of the sun will not be hindered from playing upon the waters of this stream; and be it further

Resolved, That copies of this resolution be forwarded to our Representatives in the National Congress, and that a copy be furnished Hon. E. O. Siecke, professor of soil erosion of A. & M. College, at Bryan, Texas.

Signed—Stovall, Wells, Venable, Stinson, Hanna, Morrison, Collins, Colquitt, Reed of Dallas, Greathouse, Youngblood, Smith, Lucas, Keefe, Harris of Dallas.

The resolution was read second time, and was adopted.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Graves offered the following resolution:

H. C. R. No. 79, Granting Dr. C. R. Miller permission to bring suit against the State of Texas.

Whereas, On the thirtieth day of November, A. D. 1934, Dr. C. R. Miller, of Leander, Texas, while driving his automobile, containing himself, his

wife and children, along State Highway No. 29, between the City of Austin and his home in Leander, said automobile was struck by a truck owned, operated and used by the State Highway Department, said truck being then and there driven by one of its employes while in the course of his employment. That as a result of the said collision, Dr. Miller's car was wrecked, and his wife was very seriously injured; and

Whereas, The said Dr. C. R. Miller desires to bring suit for the purpose of establishing that the said damage to his automobile and the said injuries to his wife were the direct and proximate result of the negligence of the driver of the said truck alone, and to recover his damage therefor against the State Highway Department of Texas and/or against the State of Texas; therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the said Dr. C. R. Miller be, and he is hereby, granted permission to bring suit in any court in Travis County having jurisdiction of the amount in controversy against the State Highway Department and/or against the State of Texas, to determine whether the collision mentioned herein was due alone to the negligence of the employe of the said Highway Department, as set out herein, and to determine the amount of damage, if any, occasioned to the said Dr. C. R. Miller by reason of the injury to his wife, and also to his automobile, directly and proximately resulting therefrom, and to recover judgment therefor; be it further

Resolved, That service of citation and/or all other necessary process may be had upon the Highway Commission by service upon the Chairman thereof, and upon the State of Texas by service upon the Attorney General; and that the said suit be tried under the same rules and in like manner as similar civil suits instituted against private corporations. That no execution shall issue on any judgment that may be recovered by the said Dr. C. R. Miller, but that such judgment shall be and constitute a charge as for operation and administration expense against the Highway Department, and shall be paid off and discharged as such.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO INVESTIGATE "HOT OIL SITUATION"

Mr. Celaya offered the following resolution:

Whereas, For many months charges have been made that hundreds of thousands of barrels of "hot" oil are daily being produced within this State in violation of the laws of Texas and the orders of the Railroad Commission and the courts; and

Whereas, Said charges have been made, reiterated and circulated by officials of the Government of the United States, by magazines read throughout the Nation and by world leaders in the oil industry; and

Whereas, In connection with said charges there have sometimes appeared insinuations against the integrity of elected representatives of the people of Texas; and

Whereas, It is not only highly important from an economic standpoint, but also essential to the honor and good name of our great State that a thorough and searching investigation be made to determine whether such charges are true and if so, to study and recommend measures to correct this situation, and if untrue, publish the true facts to the world; and

Whereas, The manifold and burdensome duties already imposed upon the Attorney General and the Railroad Commission and their assistants make it impossible, due to lack of sufficient personnel, for those officials to make the necessary investigation; now, therefore, be it

Resolved by the House of Representatives now in session, That a committee of five be appointed by the Speaker, to serve without pay, to investigate the so-called "hot oil situation," determine and report upon the truth of the charges commonly made, and study and report upon corrective measures, if such are found to be necessary; and, be it further

Resolved, That the expense incurred be paid out of the Contingent Fund of the Forty-fourth Legislature upon approval of the Speaker.

CELAYA,
HOFHEINZ.

The resolution was read second time.

Mr. Hunt moved that the resolution be referred to the Committee on Oil, Gas and Mining.

Mr. Harris of Dallas moved to table the motion by Mr. Hunt.

The motion to table was lost.

Mr. McKee moved, as a substitute motion, that the resolution be referred to the Committee on State Affairs.

On motion of Mr. Alsup, the substitute motion was tabled.

Question recurring on the motion by Mr. Hunt, it prevailed.

TO MEMORIALIZE CONGRESS IN REGARD TO THE "THOMAS BILL"

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 35, To memorialize Congress in regard to "Thomas Bill."

Whereas, The Democratic Party of Texas, in convention assembled on September 11, 1934, adopted the following plank in the party platform:

"We oppose the abdication or surrender of the State's power to control the production of its natural resources. We likewise oppose any Federal encroachment upon the exclusive power of this State to control the production of oil and gas. We oppose any plan that results in the arbitrary compulsory unitization of oil fields"; and

Whereas, There is pending at this time before the Committee on Mines and Mining of the United States Senate a bill known as the "Thomas Bill" which has for its purpose the attempted regulation of the production of oil within the States; and

Whereas, The purpose of said bill is directly contrary to the principles contained in the platform of the Texas Democracy and contrary to the principles of our dual form of government in that it is an attempted invasion of the sovereign powers of this and other States of the Union; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the members of the Senate and of the House of Representatives of the United States Congress be, and they are hereby, respectfully petitioned and requested to oppose the adoption of the so-called "Thomas Bill" or other similar bills; and, be it further

Resolved, That the Secretary of the Senate and the Chief Clerk of the House of Representatives be, and they are hereby, instructed to mail a copy of this resolution to the members of

the Texas delegation in the Congress of the United States, to the presiding officers of the Senate and the House of Representatives, and to the Chairman of the Committee on Mines and Mining of the United States Senate, and to the Chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives.

The resolution was read second time.

On motion of Mr. Walker, the resolution was referred to the Committee on Oil, Gas, and Mining.

(Speaker in the Chair.)

Mr. Roberts moved to reconsider vote by which Senate Concurrent Resolution No. 35 was referred to the Committee on Oil, Gas and Mining.

The motion to reconsider prevailed.

Mr. Walker withdrew the motion to refer the resolution.

Question recurring on the resolution, it was adopted.

HOUSE BILL NO. 365 ON SECOND READING

The Speaker laid before the House, as special order for this hour, on its second reading and passage to engrossment,

H. B. No. 365, A bill to be entitled "An Act defining the meaning of certain words, terms, and phrases used in the Act creating the Board of Public Utility Commissioners of Texas; prescribing its official seal; providing for the appointment, qualification, tenure, and removal from office of said commissioners; providing for the regulation, government, and supervision of public utilities and their functionings, and prescribing, defining and limiting the jurisdiction, powers and duties of said board, its members, agents, and employes in connection therewith; levying a tax on public utilities and providing for its assessment and collection; etc., and declaring an emergency."

The bill was read second time.

Mr. Pope raised the following points of order:

I raised the point of order against the consideration of what is called House Bill No. 365 at this time for the following reasons:

1. Section 7 of Rule XIX provides that all bills reported favorably shall immediately be sent to the printer by the Calendar Clerk and a printed

copy laid on the desk of each member at least twenty-four hours before the bills are acted upon in both houses. Said rule further provides that by a majority vote of the House the original bill or resolution shall be printed with the committee substitute; amendments by a committee which strike out all above and/or all below the enacting clause shall be regarded as a committee substitute.

2. The printed copy of what purports to be House Bill No. 365 is designated "Committee Substitute for House Bill No. 365," and said printed copy shows a complete new bill and does not show that the committee struck out all above the enacting clause and all below the enacting clause and substituted a new caption and a new bill. The printed copy shows that not even the enacting clause of House Bill No. 365 is before the House for consideration. The report of the committee shows as to said House Bill No. 365 the following:

"Have had same under consideration and beg to report back with recommendation that it do pass as amended by substitute amendments, and that the substitute amendments be printed in lieu of the original bill."

An examination of this committee report does not show the return of the original bill, but simply makes a committee report to the effect that the bill was reported on and that the committee made a report back to the House, but an examination of both the printed copy and the original record in connection with this bill shows that no amendments were actually offered to said original Bill No. 365 but only a substitute bill in name and not in fact as required by said Section 7, Rule XIX. It is clear that said original House Bill No. 365 from the record is still in the hands of said committee and said original bill has never been reported back to the House and the substitute bill now before the House has never been presented and read before the House even a first time.

Section 37 of Article III of the Texas Constitution reads as follows:

"No bill shall be considered, unless it has been first referred to a committee and reported thereon, and no bill shall be passed which has not been presented and referred to and reported from a committee at least three

days before the final adjournment of the Legislature."

The printed bill, No. 365, is a new bill. It is a separate, distinct, independent, and different bill from the original No. 365.

The printed bill was not (1) presented, (2) referred, (3) and reported from a committee.

Presentation of a bill must be made by the terms of the Constitution before it can be referred. When a bill is presented it is read the first time and reported to the committee. The printed bill was never presented to this House, never read to the House, and never referred by the Speaker to any committee.

A committee to which a bill is referred must consider that bill. It can propose amendments thereto by either adding other provisions or striking out provisions therein, but it can not abandon that bill and substitute an entirely new bill therefor. The section says no bill shall be considered (by the House) unless it (the same bill) has been first referred to a committee and reported thereon, etc. And no bill shall be passed which has not been presented and referred to and reported from a committee. This bill was never presented, never referred, and therefore no legal report could be made thereon. Presentation and reference are conditions precedent to a report.

Said constitutional rule is one that the House can not suspend. The committee did not report the bill that was presented to the House back to the House, but reported only a substitute. This is a violation of the constitutional rule and, according to the provisions of the Constitution, said bill is now in the hands of the Committee on Municipal and Private Corporations.

Section 34 of said Article III provides as follows:

"After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session."

If the committee action in returning to the House a substitute bill has any effect, it has the effect of killing House Bill No. 365 for the reason that

it is, in most material parts, a different bill and the original House Bill No. 365 must be regarded as having been defeated, and under said last named constitutional provision, said original House Bill No. 365, having thus been defeated by the committee, can not again be considered at the same session. The difference between the two bills is not before the House, because original House Bill No. 365 is not before the House, but has been defeated by the action of the committee in sending in an entirely new and different bill, except as to the number.

Section 30 of said Article III of the Constitution provides:

"No law shall be passed, except by bill, and no bill shall be so amended in its passage through either house, as to change its original purpose."

Since the original House Bill No. 365 is not before the House, but is still before the committee, a comparison as to whether or not the substitute bill changes the original purposes of original House Bill No. 365 can not be made. In order to give effect to this constitutional provision, and it is no doubt mandatory, said original House Bill No. 365 should have been reported back to the House and printed, and Section 7 of Rule XIX should have been complied with.

I raised the point of order that the substitute bill is not germane to the original House Bill No. 365. Said substitute bill also violates Section 35 of Article III of the Constitution because it contains at least four separate and distinct purposes, to wit:

1. It creates a board of public utility commissioners of Texas.

2. It levies a tax on public utilities and provides for its assessment and collection.

3. It provides for a first lien for the collection of such taxes, which is contrary to the constitutional provision and violates Section 15 of Article VIII, which gives a special lien to the State, and also violates the various lien statutes of the State.

4. It attempts to regulate municipal corporations in their power to regulate public utilities and grant franchises therefor, which is a withdrawal of the constitutional right and privilege to home-ruled cities. It attempts to abrogate, change and limit existing contracts that public utilities have with municipalities. It attempts to define certain offenses other than those incidental to the duties of

the Board of Public Utility Commissioners of Texas and interferes with the constitutional right of a city to make appropriations of certain tax moneys obtained by virtue of one purpose in the Act, which is a tax not for a public purpose and for the benefit of the general governmental purpose, and violates Section 6 of Article VIII and Section 44 of Article III of the Constitution, which requires that moneys can only be appropriated by specific appropriations made by law and authorized by pre-existing laws. Under the definition given in Section 1 of the public utilities, municipalities are included in said substitute bill, and the attempt made in said substitute bill to levy a tax on municipally-owned property violates Section 9 of Article XI of the Constitution, which exempts such property from forced sale and from taxation.

5. Said substitute bill provides a method by which a board can make an arbitrary rule and forfeit municipally-owned properties as well as privately-owned properties in violation of the Constitution of the United States and the Constitution of Texas without proper compensation and due process of law.

6. On line 19, page 3, in the definition of a utility, every farmer and landowner in Texas and every oil well owner in Texas, out of whose lands comes natural gas, is made, by said substitute bill, a public utility, and is an arbitrary form and takes from said landowner and well owner his property without due process of law, and is violative both of the Federal and State Constitutions.

7. The substitute bill enacts a blue sky law.

8. The substitute bill not only attempts to set up rules for fixing rates for utilities but deals in interstate and international matters, and regulates the issuance and holding of securities and bonds which, under our law and Constitution, can not be considered in fixing rates.

9. The substitute bill fixes court procedure for trial of cases involving matters relating to blue sky law, securities and bonds.

I submit that a point of order against the consideration of said committee substitute for House Bill No. 365 should be sustained.

The Speaker overruled the points of order.

Mr. Pope then raised the following point of order:

Mr. Speaker: I raise the point of order against consideration of the original House Bill No. 365 that I have raised in writing against House Bill No. 365 as substituted by the committee and the further reason that the original House Bill No. 365 has not been printed and that a free discussion of the bill cannot be had until the bill is printed; said original bill contains sixty-five typewritten pages and the printed substitute contains forty-nine printed pages.

The Speaker overruled the point of order.

Mr. Pope made the following motion:

Mr. Speaker: I move that the original House Bill No. 365 be printed and placed on the desks of the members, in order that the House may comply with the constitutional provision that each house shall give full consideration to each bill before same is passed. The original bill not having been printed.

Mr. Jones of Atascosa moved to table the motion by Mr. Pope.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—102

Adamson	Farmer
Adkins	Fisher
Alsup	Fitzwater
Atchison	Ford
Beck	Fox
Bourne	Fuchs
Bradbury	Gibson
Broyles	Glass
Burton	Graves
Butler of Brazos	Gray
Cagle	Greathouse
Calvert	Hanna
Clayton	Harris of Archer
Collins	Harris of Dallas
Cooper	Hartzog
Cowley	Head
Craddock	Herzik
Crossley	Hodges
Daniel	Hofheinz
Davis	Holland
Davison of Fisher	Howard
Davisson	Hunt
of Eastland	Hyder
Dickison	James
Dunagan	Jefferson
Dunlap of Hays	Jones of Atascosa
Fain	Jones of Falls

Jones of Wise
Keefe
Knetsch
Lange
Lanning
Lemens
Leonard
Lindsey
Lotief
Lucas
Mauritz
McCalla
McConnell
McFarland
Moffett
Moore
Morris
Morrison
Morse
Newton
Padgett
Palmer
Patterson
Payne
Qunin

Reader
Reed of Bowie
Reed of Dallas
Roark
Roberts
Rogers
Rutta
Settle
Shofner
Spears
Stanfield
Stovall
Tarwater
Tennyson
Thornton
Tillery
Waggoner
Walker
Wells
Westfall
Wood of Montague
Worley
Young
Youngblood

Nays—19

Aikin	Hankamer
Bergman	Hardin
Caldwell	Hill
Canon	Hunter
Celaya	Jackson
Colquitt	Pope
Dunlap of Kleberg	Smith
Duvall	Russell
Frazer	Wood of Harrison
Good	

Absent

Alexander	Leath
Ash	Luker
Bradford	McKee
Butler of Karnes	McKinney
Colson	Riddle
Dwyer	Roach of Angelina
England	Scarborough
Hoskins	Steward
Huddleston	Stinson
Jones of Runnels	Venable
King	

Absent—Excused

Jones of Shelby	Petsch
Latham	Roach of Hunt
Nicholson	Roane
Olsen	

Mr. Graves offered the following committee amendment to the bill:

Amend House Bill No. 365 by striking out all below the enacting clause and substitute in lieu thereof the following:

Be it enacted by the Legislature of the State of Texas:

Section 1. Definitions.

(a) The term "corporation," when

used in this Act, includes a private corporation, an association, a joint stock company, a business trust, or any other form of private business unit.

(b) The term "person," when used in this Act, includes a natural person, a partnership, or two or more persons having a joint or common interest, and a corporation as hereinbefore defined.

(c) The term "municipality," when used in this Act, includes a city, a city and county, a county, a village, a town, and any other public corporation existing, created or organized as a governmental unit under the Constitution or laws of the State of Texas.

(d) The term "public utility," when used in this Act, includes persons and corporations, or their lessees, trustees and receivers, now or hereafter owning or operating in this State equipment or facilities for:

(1) Producing, generating, transmitting, delivering or furnishing gas, electricity, or steam, either directly or indirectly through or by means of their own facilities or otherwise to or for the public for compensation.

(2) Transporting or conveying gas, by pipe line when such gas is, either directly or indirectly, through or by means of their own facilities or otherwise, to be delivered to the public for compensation.

(3) Conveying or transmitting messages or communications by telephone, where such service is offered to the public for compensation.

(4) The term "public utility" shall include any person producing, generating, or furnishing any of the foregoing services to another person for distribution to or for the public for compensation.

The term "public utility" shall not include any person who furnishes the utility services or commodity only to himself, his employes, or tenants when such service or commodity is not resold to or used by others. The business of any public utility other than of the character defined in Subdivisions 1 to 5, inclusive, of Subdivision (d) of this section, is not subject to the provisions of this Act.

(e) The term "rate," when used in this Act, means and includes every compensation, charge, fare, toll, rental and classification, or any of them, demanded, observed, charged or collected by any public utility for any service, product or commodity, offered

by it to the public, and any rules, regulations, practices or contracts affecting any such compensation, charge, fare, toll, rental, or classification.

(f) The word "Board," when used in this Act, means the Board of Public Utility Commissioners of Texas, as hereinafter constituted.

(g) The term "affiliated interests," when used in this Act, includes:

(1) Every corporation and person owning or holding directly, or indirectly, five per centum (5%) or more of the voting capital stock of such public utility.

(2) Every corporation and person in any chain of successive ownership of five per centum (5%) or more of voting capital stock.

(3) Every corporation, five per centum (5%) or more of whose voting capital stock is owned by any person or corporation owning five per centum (5%) or more of the voting capital stock of such public utility, or by any person or corporation in any such chain of successive ownership of five per centum (5%) or more of voting capital stock.

(4) Every corporation, five per centum (5%) or more of whose voting securities is owned, directly or indirectly, by such public utility.

(5) Every person who is an elective officer or director of such public utility or of any corporation in any chain or successive ownership of five per centum (5%) or more of voting capital stock.

(6) Every corporation which has one or more elective officers or one or more directors in common with such public utility.

(7) Every corporation or person which the Board may determine as a matter of fact after investigation and hearing is actually exercising any substantial influence over the policies of such public utility even though such influence is not based upon stock holding, stockholders, directors or officers to the extent specified in this section.

(8) Every person or corporation who or which the Board may determine as a matter of fact, after investigation and hearing, is actually exercising such substantial influence over the policies and actions of such public utility in conjunction with one or more other corporations or persons with which or whom they are related by ownership or blood relationship, or by action in concert, that together they are affiliated with such

public utility within the meaning of this section even though no one of them alone is so affiliated.

Provided, however, that no such person or corporation shall be considered as affiliated within the meaning of this section if such person or corporation is otherwise subject to the jurisdiction of the Board or if such person or corporation shall not have had transactions or dealings other than the holding of stock and the receipt of dividends thereon with such public utility during the two-year period next preceding.

(h) The term "holding company," when used in this Act, shall mean and include firms, partnerships, companies, corporations, individuals, and associations made up in whole or in part of individuals, firms, partners, companies, trusts at common law, corporations, or any other legal entities, their lessees, trustees or receivers appointed by any court whatsoever, in the singular number as well as in the plural, who own or control as much as five per centum (5%) in number or amount of the outstanding shares of common stock of any utility engaged in any intrastate business in this State.

(i) The words "common stock," as used herein, shall mean and include any and all stock, shares, or interest in any such utility of such nature that the ownership or control of a majority of the stock, shares or interest, in number and amount, or in number and amount thereof, vests the control and management of such utility in the holders or owners thereof.

Sec. 2. Organization of Board.

(1) A board, to be known as the "Board of Public Utility Commissioners of Texas," is hereby created. It shall consist of three (3) members, who shall be appointed by the Governor, with the approval of the Senate, and shall have and exercise the jurisdiction and powers herein conferred upon the Board. Immediately after this Act takes effect, the Governor shall, with the approval of the Senate, appoint one member of the Board, whose term shall expire with the inauguration of the Governor in 1937; and one member whose term shall expire with the inauguration of the Governor in 1939; and one member whose term shall expire with the inauguration of the Gov-

ernor in 1941. Biennially thereafter the incoming Governor shall appoint in the same manner, one member of the Board to hold office for the term of six (6) years. Each member shall hold office until his successor is appointed and qualified. The Governor shall designate one member as Chairman of the Board, and he shall serve in that capacity until he ceases to be a member of the Board, at which time the Governor shall again designate one member as Chairman of the Board.

(2) Before entering upon the duties of his office, each member of the Board shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear that he is not pecuniarily interested in any public utility as herein defined, in any manner whatsoever; and if any such member thereafter voluntarily becomes thus pecuniarily interested in any public utility, he shall thereby forfeit his office and shall be removed by quo warranto proceedings instituted by the Attorney General, or by the district or county attorney in any district court of Travis County, Texas; and the Governor shall fill such vacancy as in other cases provided by law. If any member becomes thus pecuniarily interested in any public utility either during his term of office or within two years thereafter, he shall be deemed guilty of a felony, and upon conviction therefor shall be punished by a fine of not less than two thousand dollars (\$2,000) nor more than ten thousand dollars (\$10,000), or by imprisonment for not less than two years nor more than ten years, or by both such fine and imprisonment. If any member becomes pecuniarily interested in any public utility otherwise than voluntarily, he shall, within a reasonable time, divest himself of such interest; failing to do so, he shall thereby forfeit such office and shall be removed by quo warranto proceedings instituted by the Attorney General, or by the district or county attorney in any district court in Travis County, Texas; and the Governor shall fill such vacancy as in other cases provided by law. No member shall hold any elective office for two years after he has ceased to be a member of the Board; any individual who violates this provision shall be guilty of a misdemeanor, and shall, upon conviction, be punished by

a fine of not less than two thousand dollars (\$2,000) nor more than ten thousand dollars (\$10,000).

(3) The Legislature, by a two-thirds vote of all members elected to each house, may remove any one or more members of the Board from office for dereliction of duty, or for corruption or incompetency.

(4) Whenever a vacancy in the office of a member of the Board occurs, it shall be filled in the manner provided herein with respect to original appointment, except that the Governor may make interim appointments to continue until the vacancy shall be filled in the manner provided; and any person appointed to fill a vacancy shall hold office during the unexpired portion of the term.

(5) The annual salary of each member of the Board shall be eight thousand dollars (\$8,000).

(6) The Board shall have the power to appoint and/or discharge the following assistants:

(a) A chief counsel at a salary of six thousand dollars (\$6,000) per annum; a chief engineer at a salary of six thousand dollars (\$6,000) per annum; a chief auditor at a salary of six thousand dollars (\$6,000) per annum; and a chief statistician at a salary of six thousand dollars (\$6,000) per annum; a secretary at a salary of three thousand six hundred dollars (\$3,600) per annum; and such examiners as it may require, not to exceed three, at a salary not to exceed three thousand six hundred dollars (\$3,600), each, per annum.

(b) To assist the Board and its appointees herein named, in the performance of their duties, the Board may appoint, employ and/or discharge not exceeding three assistant counsellors, three assistant engineers, three assistant statisticians, three assistant auditors, and three assistant secretaries, each of whom shall receive a salary not to exceed two thousand five hundred dollars (\$2,500) per annum, and who shall hold office during the pleasure of the Board.

(c) The Board may, whenever the need therefor shall in its opinion exist, employ such stenographers and clerical assistants as it thinks necessary, who shall not receive a salary in excess of one thousand five hundred dollars (\$1,500) per annum, each.

(d) In addition to the above specified assistants, the Board may, whenever in its opinion the need therefor exists, in order to carry out the provisions of this Act, employ for such period or periods as the Board may specify such other engineers, accountants, statisticians, counsellors, clerks, or any other technicians or assistants whose services are reasonably necessary to the efficient, economical, and adequate performance of its functions and the enforcement of this Act. The salaries of such employes shall not exceed the schedule of salaries set forth in (a), (b), and (c) above.

(e) Each of the above named assistants and employes of the Board shall perform such duties and services as the Board may require of him. No assistant or employe of the Board shall have any pecuniary interest in any public utility subject to this Act or to the jurisdiction of the Board.

(f) Each of the above specified salaries shall be paid in equal monthly installments out of the Public Utility Board Fund hereinafter provided for.

(7) The Board shall have a seal bearing the following inscription: "Board of Public Utility Commissioners of Texas." The seal shall be affixed to all authentications of copies of records, and to such other instruments as the Board shall direct. All courts of this State shall take judicial notice of said seal.

(8) The principal office of the Board shall be in the City of Austin, and shall be open daily during the usual business hours, Sundays and legal holidays excepted. The Board shall hold its meetings at its office, and at such other convenient places in the State as shall be expedient and necessary for the proper performance of its duties.

(9) A majority of the members shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the Board. No vacancy in the Board shall impair the right of the remaining members to exercise all of the powers of the Board. The act of a majority of the members shall be the act of the Board; but any investigation, inquiry, or hearing which the Board has power to undertake, or hold, may be undertaken or held by or before any member or members, or examiner, designated for the purpose by the Board. The evidence in any investigation, in-

quiry, or hearing, may be taken by the member or members or examiner to whom such investigation, inquiry or hearing has been assigned. Every finding, opinion and order made by the member or members, or examiner, so assigned, pursuant to such investigation, inquiry, or hearing, when approved or confirmed by the Board, shall be the finding, opinion, and order of the Board.

(10) All decisions and orders of the Board shall be public records. The Board shall make and submit to the Governor, on or before the first day of each year, a report containing a full and complete account of its transactions and proceedings for the preceding fiscal year, together with such other facts, suggestions, and recommendations as it may deem of value to the people of the State.

(11) On the first day of July next after this Act shall take effect, and quarterly thereafter, every public utility in this State as herein defined, except municipalities, shall file with the Treasurer of this State, a report duly verified by the affidavit of its president, secretary, or general manager, of its gross receipts from its public utility business as defined in this Act for the quarter next preceding. Upon the filing of its first quarterly report as herein provided, each public utility shall pay into the Treasury of the State a sum in cash equivalent to one-fourth ($\frac{1}{4}$) of one per cent (1%) of its gross receipts for the preceding quarter, as shown by such report, and the money so paid shall be by the State Treasurer credited to and deposited in the Public Utility Board Fund. Thereafter, upon the filing of each quarterly report, each public utility shall pay into the Treasury of the State to be credited to the Public Utility Board Fund, a sum in cash of one-fourth ($\frac{1}{4}$) of one per cent (1%) of such gross receipts, for the preceding quarter as shown by such report.

(12) Any amounts due from any public utility under Subsection 11 hereof, and not paid within ten (10) days after it becomes due, shall draw interest at the rate of ten per cent (10%) per annum, and upon failure to pay the same the Attorney General shall proceed by action at law in a District Court of Travis County in the name of the State of Texas against such public utility to collect the amount due, together with inter-

est and the cost of the suit. All assessments hereunder shall be a first lien upon all property of the public utility against which the assessment is made, prior to all other liens, debts, claims or demands whatsoever. Such lien may be enforced in an action brought in a District Court of Travis County to collect the amount due.

(13) The Board shall provide itself and its staff with adequate stationery, telephone and telegraph facilities, office supplies, travel allowances, and any other supplies, materials or services necessary to carry out the provisions of this Act, which shall be paid for, on warrants signed by the chairman of the Board, out of the Public Utilities Board Fund.

Sec. 3. General Powers of the Board.

(1) The Board is vested with power and jurisdiction to supervise and regulate the utilities listed in Section 1 of this Act, and such other utilities as the Legislature shall from time to time place under its jurisdiction, and to do all things necessary and convenient in the exercise of such power and jurisdiction.

(2) The Board shall provide for a comprehensive classification of services for each public utility, and such classification may take into account the quantity used, the time when used, the purpose for which used, and any other reasonable consideration. Each public utility is required to conform its schedules of rates to such classification.

(3) The Board shall have power to adopt reasonable rules and regulations relative to all inspections, tests, audits, and investigations.

(4) The Board shall have authority to inquire into the management of the business of all public utilities, and shall keep itself informed as to the manner and method in which the same is conducted, and may obtain from any public utility all necessary information to enable the Board to perform its duties.

(5) Each public utility shall furnish to the Board, in such form and at such times as the Board shall require, the following information respecting the identity of the holders of its voting capital stock, in order to enable the Board to determine whether such holders constitute an affiliated interest within the meaning of this Act. The names of each holder

of one per centum or more of the voting capital stock of such public utility; the nature of the property right or other legal or equitable interest which the holder has in such stock; and any other information deemed necessary by the Board.

(6) In the event any public utility shall fail to furnish the Board with information required of it by the Board, the Board may issue an order directing the delinquent public utility to furnish such information forthwith, or to show good cause why such information cannot be obtained. Any public utility failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail or refuse, be subject to a fine of not less than fifty dollars nor more than five hundred dollars.

(7) The Board or any member or any person employed by the Board for that purpose shall, upon demand, have the right to inspect the books, accounts, papers, records and memoranda of any public utility, and to examine, under oath, any officer, agent or employe of such public utility in relation to its business and affairs. Any person other than one of said members who shall make such demand, shall produce his authority to make such inspection.

(8) The Board may require, by order or subpoena, served on any public utility as a summons is served in district court, the production within this State at such time and place as it may designate, of any books, accounts, papers, or records kept by said public utility without the State, or the utility shall furnish verified copies in lieu thereof, as the Board shall order. Any public utility failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail or refuse, be subject to a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

(9) The Board, its agent, experts, or examiners may enter upon premises occupied by any public utility for the purpose of making the examinations and tests provided in this Act and set up and use on such premises any apparatus and appliances and occupy reasonable space therefor.

(10) Any person who shall destroy, injure or interfere with any apparatus or appliance owned or operated by or in charge of the Board or its agent, shall be subject to a fine not exceeding one hundred dollars

(\$100) or imprisonment not exceeding thirty days or both.

Any public utility knowingly permitting the destruction of, injury to, or interference with, any such apparatus or appliance, shall be subject to a fine not exceeding one thousand dollars for each offense.

(11) The Board shall have, and is hereby given all powers which have heretofore been delegated to the Railroad Commission of Texas, wherever such powers are in conflict with this Act.

(12) The Board may confer by correspondence or by attending conventions, or otherwise, with similar boards, commissions, or other public bodies of other States, or of the Federal Government.

Sec. 4. Valuation.

(1) The Board shall, as herein-after provided, investigate, ascertain, and report the value of all the property owned or used by every utility listed in Section 1 of this Act. To enable the Board to make such investigation and report, it is authorized to employ such experts and other assistants as may be necessary. The Board may appoint examiners who shall have power to administer oaths, examine witnesses, and take testimony. The Board shall make an inventory which shall list the property of every public utility listed in Section 1 of this Act, and show the value thereof as hereinafter provided, and shall classify the physical property, as nearly as practicable, in conformity with the classification of expenditures prescribed by the Board in the uniform system of accounts provided for in Section 8 of this Act.

(2) Except as herein otherwise provided, the Board shall have power to prescribe the method of procedure to be followed in the conduct of the investigation, the form in which the results of the valuation shall be submitted, and the classification of the elements that constitute the ascertained value of the property of every public utility as a whole and separately the value of its property in each of the several cities, towns, and counties, classified and in detail as herein required.

(3) Such investigation shall be commenced when deemed necessary by the Board and shall be prosecuted with diligence and thoroughness, and the result thereof reported in the annual reports of the Board. Every public utility listed in Section 1 of this

Act shall furnish to the Board or its agents, from time to time and as the Board may require, maps, profiles, contracts, reports of engineers, and any other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the property of said public utility, and shall grant to all agents of the Board free access to its right of way, its property, and its accounts, records, and memoranda whenever and wherever requested by any such duly authorized agent, and every public utility is hereby directed and required to co-operate with and aid the Board in the work of the valuation of its property in such further particulars and to such extent as the Board may require and direct, and all rules and regulations made by the Board for the purpose of administering the provisions of this section shall have the full force and effect of law. Unless otherwise ordered by the Board, with reasons therefor, though the records and data of the Board shall be open to the inspection of the public.

(4) Upon completion of the valuation herein provided for, the Board shall thereafter in like manner keep itself informed of all extensions and improvements or other changes in the condition and cost of the property of all public utilities and shall from time to time, revise and correct its valuations, showing such revisions and correction classified, and as a whole, and separately in each of the several cities, towns, and counties, which valuations, both original and corrected, shall be tentative valuations and shall be reported in the annual report of the Board.

To enable the Board to make such changes and corrections in its valuations of each class of property, every public utility listed in Section 1 of this Act, shall make such reports and furnish such information as the Board may require.

(5) Whenever the Board shall have completed the tentative valuation of the property of any public utility, as herein directed and before such valuation shall become final, the Board shall give notice by registered letter to the said public utility, the Attorney General of the State of Texas, the mayor of any municipality in which the property so valued is located, and to such additional parties as the Board may prescribe, stating the valuation placed upon the several

classes of property of said public utility, and shall allow thirty (30) days in which to file a protest of the same with the Board. If no protest is filed within thirty (30) days, said valuation shall become final as of the date thereof.

(6) If notice of protest is filed the Board shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto which may be presented in support of any such protest so filed as aforesaid. If after hearing any protest of such tentative valuation under the provisions of this Act the Board shall be of the opinion that its valuation should not become final, it shall make such changes as may be necessary, and shall issue an order making such corrected valuation final as of the date thereof. All final valuations by the Board and the classification thereof shall be public records and shall be conclusive evidence of the value of the property in all proceedings under this Act, and the various acts amendatory thereof as to the date of the fixing thereof, and in all judicial proceedings brought to enforce, enjoin, set aside, annul, or suspend in whole or in part, any order of the Board.

(7) If upon the trial of any action involving the final determination of the utility rates, services and/or any other matter affected by such value fixed by the Board evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the Board, or additional thereto and substantially affecting said value, the court, before proceeding to render judgment, shall transmit a copy of such evidence to the Board, and shall stay further proceedings in said action for such time as the court shall determine from the date of such transmission. Upon the receipt of such evidence the Board shall consider the same and may fix a final value different from the one fixed in the first instance, and may alter, modify, amend, or rescind any order which it has made involving said final value, and shall report its action thereon to said court within the time fixed by the court. If the Board shall alter, modify, or amend its order, such altered, modified, or amended order shall take the place of the original order as though made by the Board in the first instance. If the

original order shall not be rescinded or changed by the Board judgment shall be rendered upon such original order.

(8) In valuing the property of the public utilities as herein above provided the Board shall find and fix a value which as nearly as may be possible represents the actual legitimate prudent cost of the property used and necessary in rendering the public utility service or services. The Board shall have power to ascertain every fact which in its judgment may or does have any bearing on the determination of such cost. When the Board has so found and fixed the value of the property of any public utility subject to the provisions of this Act and any amendments thereto, such value shall be the legal value of the public utility as of that date for all the purposes contemplated in this Act.

(9) The provisions of this section shall apply to receivers of public utilities and operating trustees. In case of failure or refusal on the part of any public utility, receiver, or trustee to comply with all the requirements of this section and in the manner prescribed by the Board such public utility, receiver, or trustee shall forfeit to the State of Texas the sum of five hundred dollars (\$500) for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this Act.

(10) The District Courts of Travis County shall have jurisdiction, upon the application of the Board, alleging a failure to comply with or a violation of any of the provisions of this section by any public utility, receiver, or trustee to issue a writ or writs of mandamus commanding such public utility, receiver, or trustee to comply with the provisions of this section.

(11) Any member of the Board who shall wilfully overvalue the property of a public utility for the purpose of enabling such public utility to exact a higher rate for service than could lawfully be exacted or shall wilfully undervalue such property for the purpose of preventing such public utility from charging a lawful rate for such service shall be fined not to exceed one thousand dollars or be imprisoned not more than two years, or both.

Sec. 5. Rate Making.

(1) Within sixty days after this

Act becomes a law every public utility listed in Section 1 of this Act shall file with the Board schedules showing all rates, which it has established and which are in force at the time for any service performed by it within the State, or for any service in connection therewith or performed by any public utility controlled or operated by it. The rates shown on such schedules shall not exceed the rates in force on January 1, 1935.

(2) Every public utility shall file with and as a part of such schedule of rates all rules and regulations that, in the judgment of the Board, in any manner affect the service or product, or the rates charged or to be charged for any service or product, as well as any contracts, agreements or arrangements relating to the service or product or the rates to be charged for any service or product to which the schedule is applicable, as the Board may by general or special order direct.

(3) The rates, rules, and regulations described in subsection 1 and Subsection 2 of this section shall be prima facie the lawful rates, rules, and regulations until changed, amended, or superseded by other, as provided in this Act.

(4) A copy of so much of said rates, rules, and regulations as the Board shall deem necessary for the use of the public shall be printed in plain type by such utility and kept on file in every station or office of such public utility where payments are made by the consumers or users, in such form and place as to be readily accessible to the public.

(5) Where a schedule of joint rates or charges is in force between public utilities, such schedules shall in like manner be printed and filed with the Board, and so much thereof as the Board shall deem necessary for the use of the public, shall be filed in every such station or office as provided in Subsection 4.

(6) Whenever public utilities for the conveyance of telephone messages are furnishing joint telephone service to the public, or shall be required to furnish such service, and shall refuse or neglect to establish joint tolls, or long distance services, the Board may, after notice and a public hearing, establish, by order, such joint tolls, and if the public utilities shall fail to agree upon the apportionment thereof within twenty days after the service of such order, the Board may,

upon a like hearing, issue a supplemental order declaring the appointment of such joint tolls, and the same shall take effect as a part of the original order.

(7) In exercising its power to prescribe the legal rates for the public utilities under its jurisdiction, which power is hereby specifically delegated to it, the Board shall initiate, modify, establish, or adjust such rates so that each independent public utility and/or each group of affiliated public utilities (as defined under Section 1), will, under honest, efficient, and economical management, earn an annual net profit equal, as near as may be, to the fair rate of return upon the lawful value (as defined in Section 4 of this Act) of the property of such public utility or affiliated group of public utilities.

(8) It is hereby declared to be the policy and purpose of this Act to provide, as far as may be, adequate protection for capital prudently invested in the public utility industry of Texas, and to provide, as far as may be, an opportunity for it to earn and receive under honest, efficient, and economical management, a fair annual rate of return. The Board shall, after a public hearing as herein provided, fix and determine the fair rate of return for each category of public utilities (that is, for natural gas, artificial gas, electric, telephone, and street railway utilities, each considered as a separate category), provided, that this fair rate, as conclusively determined by the Board, and hereby declared to be the legal rate, shall not be less than four per centum (4%) per annum, nor more than eight per centum (8%) per annum; provided, that this legal rate of return shall be considered in the nature of an average annual rate of return, and not a rate of return that should be earned in any given year; and provided, that the Board, after a public hearing as hereafter provided, may change or amend the legal rate of return for all the categories, or for any one or more of them, within the limits specified in this section; and provided, that the Board in determining or amending the legal rate of return shall take into consideration the nature of the industry, the amount and nature of the risk involved in such a venture or business, the amount of capital seeking investment, the alternate investment opportun-

ities, the prevailing rate of return on similar investments and other material and relevant matters; and provided further, that this does not in any way whatsoever obligate either the Board or the State of Texas concerning any deficit suffered by such public utility or affiliated group of public utilities in the matter of said legal rate of return.

(9) Upon complaint in writing, against any public utility, by any municipality, person, firm, or corporation, or upon the initiative or complaint of the Board that any rate rendered, charged, demanded, exacted, or proposed to be rendered, charged, demanded, or exacted, is in any respect unjust, unreasonable, unjustly discriminatory, or unjustly preferential or in violation of law, or that any regulation, measurement or practice affecting or relating to any service furnished by said public utility, or in connection therewith is, or will be, in any respect, unreasonable, unjust, insufficient, or unjustly discriminatory or unjustly preferential, or that any service is, or will be, inadequate, or cannot be obtained, the Board shall notify the public utility complained of that complaint has been made, and of the time and place when the same will be considered and determined, which notice shall be given the public utility no less than fifteen days before such hearing, and shall plainly state the matters or things complained of. The Board shall, if it appears that there are reasonable grounds for the complaint, proceed to hear and determine the matters complained of. The parties thereto shall be entitled to be heard, represented by counsel and to have process to enforce the attendance of witnesses. A public utility may make complaint as to any matter affecting its own product, service, rates, or business with like effect as though made by a person, firm, or corporation, in which event the Board shall publish notice thereof ten days prior to such hearing in a newspaper of general circulation at the situs of such public utility.

(10) When complaint is made of more than one rate, charge, or service, the Board may order separate hearings thereon and may consider and determine the matters complained of separately and at such times and places as it may prescribe. No complaint shall necessarily be dismissed because of the absence of direct damage to the complainant.

(11) Whenever the Board shall be of the opinion, after hearing, that any rate tendered, charged, demanded, exacted, or proposed to be rendered, charged, demanded, or exacted, is or will be unjust, unreasonable, unjustly discriminatory or unjustly preferential or in violation of law, or the service inadequate, or that the rates, chargeable by any such public utility are insufficient to yield the lawful rate of return on the lawful value of the property of the public utility, as herein delimited and defined, the Board shall, according to the facts in each case, fix and determine the just and reasonable rate to be thereafter rendered, charged, demanded, exacted or collected for the performance or rendition of the service, and order the same substituted therefor; and thereafter, no change in the rate or service shall be made, rendered, charged, demanded, exacted, or changed by such public utility without the order of the Board and any other rate or service shall be deemed and held to be unjust and unreasonable, prohibited, and unlawful. Upon application of any person or municipality, or any public utility, and after notice to the parties in interest and opportunity to be heard as provided in this Act for other hearings, has been given, the Board may rescind, alter, or amend an order fixing any rate or service, or any other order made by the Board. Certified copies of such order shall be served and take effect as provided for original orders.

(12) Whenever there shall be filed with the Board any schedule stating a new individual or joint rate, or any new individual or joint classification or any new individual joint regulation or practice affecting any rate, the Board shall have, and it is hereby given authority either upon complaint or upon its own initiative without complaint, at once, and if it so orders without answer or other formal pleading by the interested public utility or utilities, but upon fifteen days notice, to enter upon a hearing concerning the lawfulness of such rate, classification, regulation, or practice; and pending such hearing and the decision thereon the Board, upon filing with such schedule and delivering to the public utility or utilities affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the

use of such rate, classification, regulation, or practice, but not for a longer period than six months beyond the time when it was filed with the Board; and after full hearing, whether completed before or after the rate, classification, regulation, or practice goes into effect, the Board may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If the proceeding had not been concluded and an order made within the period of suspension, the proposed change of rate, classification, regulation, or practice shall go into effect at the end of such period; but in case of a proposed increased rate the Board may, by order, require the interested public utility or utilities to keep accurate account in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision may, by further order, require the interested public utility or utilities to refund, with 6% interest per annum, to the persons in whose behalf such amounts were paid, such portion of such increased rates as by its decision shall be found not justified. If within one year after such order is served on the public utility any of such funds have not been so refunded they shall be paid by the public utility into the general fund of the municipality where such person or persons resided during payment thereof, as the Board shall direct. At any hearing involving a rate sought to be increased after the passage of this Act the burden of proof to show that the proposed rate, fare or charge is just and reasonable shall be upon the public utility, and the Board shall give to the hearing a decision of such questions preference over all other questions pending before it and decide the same as speedily as possible.

(13) Rates and service regulations may be established by contract between a municipality and a public utility for a specified term, not exceeding ten years, but only by and with the approval of the Board to be expressed by its order. Public utilities may contract with each other and with persons who are not public utilities in respect to the use of their properties and facilities, the sale or exchange of gas, electricity, or other utility services, products or commodities, otherwise than pursuant to es-

established rates, the distribution to the public of such products and commodities jointly or singly, and the territory within which such joint or single service shall be rendered and other matters deemed to be of mutual advantage, subject, however, in all cases to the approval of the Board; but no person shall participate in such distribution to the public who is not a public utility or a municipality. Whenever any such contract shall be made it shall, before becoming effective, be submitted to the Board. If the Board shall find the provisions of any such contract consistent with the public interest and not unlawful, it shall approve the same, and unless and until so approved, such contract shall be of no effect; but if it be approved it shall in all respects be lawful. When such a contract is submitted to the Board, the Board shall within thirty days either approve it, or set a date for hearing thereon. Whenever a public utility provides for itself by contract, as above provided, a source of supply of any product or commodity which it would otherwise be under the duty to generate, or manufacture, it shall, to such extent, as the Board may order, be excused from the construction or maintenance of plant, facilities and equipment necessary for such generation or manufacture.

(14) The provisions of this Act, except when specifically so provided, shall not apply or be construed to apply to commerce with foreign nations or among the several States, except in so far as the same may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

(15) All orders of the Board made and entered upon its records shall be operative and in full force and effect from and after the time fixed for the same to become effective by the Board, unless such orders be thereafter changed, altered, modified, or set aside in accordance with the provisions of this Act.

(16) Whenever the Board shall believe that any rate may be unreasonable or unjustly discriminatory or that any service is inadequate or can not be obtained or that an investigation of any matter relating to any public utility should for any reason be made it may on its own summarily investigate the same with or without notice.

(17) The Board may, by order, when deemed by it necessary to prevent injury to the business or interests of the people or any public utility, in case of any emergency, to be judged of by the Board, temporarily alter, amend, or with the consent of the public utility concerned, suspend any existing rates, schedules or orders relating to or affecting any public utility or part of any public utility.

(18) In addition to the powers and duties of the Board in relation to gas utilities, which powers and duties are hereby transferred to the Board from the Texas Railroad Commission, except in so far as they refer to the production of natural gas, the Board shall exercise and perform the following powers and duties:

The Board, after due notice, shall fix and establish and enforce the adequate and reasonable price of gas and fair and reasonable rates and regulations for transporting, distributing, buying, selling, and delivering gas to and by pipe lines in this State, and shall establish fair and equitable rules and regulations for the full control and supervision of said gas pipe lines and all their holdings pertaining to the gas business in all their relations to the public, as the Board may from time to time deem proper; and establish a fair and equitable division of the proceeds of the sale of gas between the companies gathering, transporting, and selling it; and prescribe and enforce rules and regulations for the government and control of such pipe lines in respect to their gas pipe lines and gathering, receiving, transporting and distributing facilities; and regulate and apportion the supply of gas between towns, cities and corporations.

(19) The domestic consumers of natural gas shall at all times have preferential rights to all gas available and when the available supply is insufficient to meet both the domestic and industrial requirements, the Board is hereby expressly authorized to require both pipe lines and distributing companies to discontinue service to any or all industrial customers for as long a period as in its judgment may be necessary.

(20) Where two or more pipe lines, or pipe line systems, are gathering gas from the same pool, whenever it is deemed necessary in order to prevent discrimination, the Board may require an interchange of gas and of

the use of the gathering systems of such pipe line companies on such terms as may be mutually agreed upon, and in case they are unable to agree, then upon such terms and conditions as may be fixed by the Board.

(21) Nothing in this section shall be taken to prohibit a public utility, with the consent of the Board, from providing a scale of rates according to what is commonly known as the Hopkinson rate system, or a promotional rate scale, or other financial device that may be practicable and advantageous and in the public interest. No such arrangement or device shall be lawful until it shall be found by the Board, after investigation, to be reasonable and just and not inconsistent with the purposes of this section. Such arrangement shall be under the supervisions and regulations of the Board. The Board shall ascertain, determine, and order such rates and regulations, and the duration thereof, as may be necessary to give effect to such arrangement, but the right and power to make such other and further changes in rates and regulations as the Board may ascertain and determine to be necessary and reasonable, and the right to alter or amend all orders relative thereto, is reserved and vested in the Board notwithstanding any such arrangement and mutual agreement.

Sec. 6. Discrimination.

(1) If a public utility or any agent or officer thereof, by special rate rebate, drawback, or by means of false billing, false classification, false weighing, or any other device, whatsoever, shall knowingly charge, demand, collect or receive, either directly or indirectly, from any person, firm or corporation, a greater or less compensation for service rendered or to be rendered by it than that prescribed in the published rate schedules then in force, or established as provided herein; or a greater or less compensation than it charges, demands, collects or receives from any other person, firm, or corporation for a like and contemporaneous service, it shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared unlawful, and upon conviction thereof shall forfeit and pay into the State Treasury not less than one hundred dollars nor more than five thousand dollars for each offense.

(2) Whoever, being an agent or officer of a public utility, violates any provision of the next preceding sec-

tion shall be fined not less than fifty dollars nor more than one thousand dollars for each offense.

(3) No public utility shall demand, charge, collect or receive from a person, firm or corporation a less compensation for a service rendered or to be rendered by it in consideration of such person, firm or corporation furnishing a part of the facilities incident thereto; but nothing herein shall prohibit a public utility from procuring facilities or service incident to its operation and paying a reasonable compensation therefor.

(4) No public utility shall make or give undue or unreasonable preference or advantage to a particular person, company, firm, corporation or locality, or to any particular description of service, in any respect whatsoever, or subject any particular person, firm, company, corporation or locality, or any particular description of service to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(5) If a public utility does, causes or permits to be done any matter, act or thing prohibited in this section or declared to be unlawful or omits to do an act, matter or thing required to be done by this section, such public utility shall be liable to the person, firm, or corporation injured thereby in treble the amount of damages sustained in consequence of such violation. A recovery by any person of the damages provided by this section shall not affect a recovery by the State of the penalty prescribed for such violation.

Sec. 7. Service.

(1) Every public utility shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

(2) The Board may require and compel telephone corporations to establish public telephone stations along existing lines, wherever the same may be reasonably necessary and convenient, for the purpose of receiving and delivering messages and conversation to be transmitted by telephone and may require and compel telephone corporations to deliver promptly all messages to be sent or transmitted by them.

(3) If any public utility shall unreasonably or arbitrarily fail or refuse to furnish adequate service to

any person within the territorial limits within which such public utility has, by its charter, authority to furnish such service, such person may bring his written petition to the Board alleging such failure or refusal. Thereupon the Board shall fix a time and place for a hearing upon such petition, and shall mail notice thereof to the parties in interest at least fifteen days prior to such hearing. Upon said hearing the Board may, if it finds that such public utility has unreasonably or arbitrarily failed or refused to furnish such person with adequate service, prescribe the service to be furnished by such public utility to such person and the conditions under which, and rates at which, such service shall be furnished. Such public utility shall thereafter furnish such service to such person in accordance with the conditions so prescribed.

(4) A public utility shall not refuse to supply its services for any building or premises to a person applying therefor who is not in arrears to it for any such services previously supplied to him because a bill for such services remains unpaid by a previous occupant of such building or premises.

(5) Whenever the Board, after a hearing had upon its own motion or upon complaint of a public utility affected, shall find that public convenience and necessity require the use by one public utility of the conduits, subways, tracks, wires, poles, pipes, or other equipment, or any part thereof, on, over, or under any street or highway, and belonging to another public utility, and that such use will not result in irreparable injury to the owner or other users of such conduits, subways, tracks, wires, poles, pipe, or other equipment or in any substantial detriment to the service, and that such public utilities have failed to agree upon such use or the terms and conditions or compensation for the same, the Board may by order direct that such use be permitted, and prescribe a reasonable compensation and reasonable terms and conditions for the joint use. If such use be directed, the public utility to whom the use is permitted shall be liable to the owner or other users of such conduits, subways, tracks, wires, poles, pipes, or other equipment for such damage as may result therefrom to the property of such owner or other users thereof.

(6) The Board shall fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage or other condition pertaining to the supply of the product or service rendered by any public utility, and prescribe reasonable regulation for examination and testing of such product or service and for the measurement thereof.

(7) Whenever the Board shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise unreasonable or unlawful, or shall find that any service is inadequate, or that any service which can be reasonably demanded cannot be obtained, the Board shall determine and by order fix reasonable measurements, regulations, acts, practices or service to be furnished, imposed, observed and followed in the future in lieu of those found to be unreasonable, inadequate or otherwise unlawful, and shall make such other order respecting such measurement, regulation, act, practice or service as it shall deem necessary.

(8) Whenever the Board, after a hearing had upon its own motion or upon complaint, shall find that additions, extensions, repairs or improvements to, or changes in, the existing plant, equipment, apparatus, facilities or other physical property of any public utility or of any two or more public utilities ought reasonably to be made, or that a new structure or structures should be erected to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the Board shall make and serve an order directing that such additions, extensions, repairs, improvements or changes be made or such structure or structures be erected in the manner and within the time specified in said order. If the Board orders the erection of a new structure, it shall also fix the site thereof.

If any additions, extensions, repairs, improvements, or changes, or any new structure or structures which the Board has ordered to be erected, require joint action by two or more public utilities the Board shall notify the said public utilities that such additions, extensions, repairs, improvements or changes or new structure or structures have been ordered and that

the same shall be made at their joint cost, whereupon the said public utilities shall have such reasonable time as the Board may grant within which to agree upon the portion or division of cost of such additions, extensions, repairs, improvements or changes or new structure or structures, which each shall bear. If at the expiration of such time such public utilities shall fail to file with the Board a statement that an agreement has been made for division or apportionment of the cost of expense of such additions, extensions, repairs, improvements or changes, or new structure or structures, the Board may, after further hearing, make an order fixing the proportion of such cost or expense to be borne by each public utility and the manner in which the same shall be paid or secured.

(9) Upon petition of any person and the payment of such person of a fee of one dollar (\$1) for each meter, the Board shall cause to be inspected any electric or gas meter used in measuring electricity or gas supplied to each petitioner. The public utility supplying electricity or gas through such meter shall reimburse the petitioner for said fee if such meter be found to be more than two per cent (2%) fast, in the case of a gas meter, or four per cent (4%) fast, in the case of an electric meter, and shall not again use such meter until corrected, and approved by the Board. The Board shall cause to be approved any electric, or gas meter in which the error does not exceed two per cent (2%) for gas meters or four per cent (4%) for electric meters, and shall cause the same to be stamped with some suitable device and the date of approval.

Sec. 8. Accounting.

(1) The Board shall establish a system of accounts to be kept by public utilities or classify said public utilities and establish a system of accounts for each class, and prescribe the manner in which such accounts shall be kept. It shall prescribe the manner in which the forms of accounts records, and memoranda are to be kept, including the receipts and expenditures of money, and any other records necessary to carry out any of the provisions of this Act. The same shall not be inconsistent in the case of public utilities subject to the regulations of the Interstate Commerce Commission or of any other Federal commission, with the sys-

tems and forms established for such public utilities by said commission or commissions, but the Board may prescribe forms of accounts, records and memoranda covering information in addition to that required by the Federal agencies. The Board may prescribe the accounts in which particular outlays and receipts shall be entered, charged or credited. It shall be unlawful for any such public utility to keep any accounts, records, or memoranda other than those prescribed by the Board, or those prescribed by or under the authority of any other State or of the United States, excepting such accounts, records or memoranda as shall be explanatory of and supplemental to the accounts, records or memoranda prescribed, as sanctioned by the Board.

(2) The Board may, after hearing, require public utilities to carry a proper and adequate depreciation account in accordance with such regulations and forms of account as it may prescribe. It may ascertain and fix the proper and adequate rates of depreciation for each of the several classes of property, and each public utility shall conform its depreciation accounts to the rates so ascertained and fixed, and shall set aside the money so provided for out of earning and carry the same in a depreciation account and expend such account, and the income therefrom, only for such purposes and under such rules and regulations, both as to original expenditure and subsequent replacement, as the Board may prescribe.

(3) The Board, any member, or any person employed by the Board for that purpose, may at any and all times, inspect the accounts, books, papers and documents of any public utility, and any of said persons who are authorized to administer oaths may examine under oath, any officer, agent or employe of such public utility in relation to the business and affairs of said public utility. Any person other than a member of the Board or any officer of the Board demanding such inspection shall produce under the hand and seal of Board his authority to make such inspection. A written record of the testimony or statement so given under oath shall be made and filed with the Board.

(4) The Board may require, by order served on any public utility in the manner provided herein for the service of orders, the production within this State, at such time and place

as it may designate, of any books, accounts, papers or records kept in any office or place without this State, or the utility, at its option, may furnish verified copies in lieu thereof, so that an examination thereof may be made by the Board or under its direction.

(5) Every public utility engaged directly or indirectly in any other business than those mentioned in Section 1 of this Act, shall, if required by the Board, keep and render separately to the Board, in like manner and form, the accounts of all such other business, in which case all the provisions of this Act shall apply with like force and effect to the books, accounts, papers, and records of such other business.

(6) The Board shall keep informed of all new construction, extensions and additions to the property of all public utilities under its jurisdiction, and may prescribe the necessary forms, regulations, and instructions to the officers and employees of such public utilities for the keeping of construction accounts, which shall clearly distinguish all operating expenses and new construction.

(7) The Board shall provide for the examination and audit of all accounts, and all items shall be allocated to the accounts in the manner prescribed by the Board. Each public utility having an annual gross income of ten thousand dollars (\$10,000) or more shall annually file with the Board a true balance sheet and income account of its financial affairs. If the accounts of any public utility are kept by districts, such utility shall file a report separately for each district, and shall, in addition to the balance sheet and income account for the entire corporation, include a condensed income and operating statement for that district.

Sec. 9. Reports.

(1) Each public utility shall furnish to the Board in such form and at such times as the Board shall require, such accounts, reports, and information as shall show in itemized detail and separately per unit: the depreciation; the salaries and wages; legal expenses; taxes and rentals; the quantity and value of material used; the receipts from residuals, by-products services or other sales, the total and net cost; the gross and net profit; the dividends and interest; surplus or reserve; the prices paid by

consumers; and in addition such other items, whether of a nature similar to those hereinbefore enumerated or otherwise, as the Board may prescribe in order to show completely and in detail the entire operation of the public utility in furnishing its product or service to the public.

(2) No municipality operating its own utility or utilities shall be required to report under this section except as to earnings, operating expenses, including depreciation and maintenance, cost of renewals, extensions, and improvements to the property and the nature and of amount of service furnished in such detail as the Board shall deem necessary, provided that in case of any investigation by the Board upon formal complaint, the Board may require more detailed reports as to units provided for in this subsection.

(3) Annually, on or before the last day of January, the Board shall file in the office of the Governor a report containing an accurate review of the work of the Board in the administration of this Act for the preceding fiscal year; and a schedule of all applications for permits to sell securities, of the permits granted, of the applications rejected, and of permits canceled or revoked; and a statement of the receipts and disbursements of the Board, and such other material information as relates to its administration of said Act.

(4) The Board shall publish in its annual reports the value of all the property actually used and necessary for the convenience of the public of every public utility as to whose rates, charges, service, or regulations any hearing has been held by the Board, or the value of whose property has been ascertained by it.

(5) All facts and information in the possession of the Board shall be public, and all reports, records, files, books, accounts, papers and memoranda of every nature whatsoever in its possession shall be open to inspection by the public at all reasonable times, except that whenever the Board shall determine it to be necessary in the interest of the public to withhold from the public any facts or information in its possession, such facts may be withheld for such period, not exceeding ninety (90) days as the Board may determine.

Sec. 10. Franchises.

(1) Any public utility operating

under existing license, permit or franchise heretofore granted by the State or any municipality, for the purpose of carrying on any of the utility services defined in this Act, shall, upon filing with the Board a written declaration that it surrenders such license, permit, or franchise, receive by operation of law, a terminable permit or franchise effective for a period of twenty-five years and the public utility, or its successors or assigns, shall hold such permit in accordance with the terms, conditions, and limitations of this Act, and any future regulatory Acts. Such permit shall continue in force for a period of twenty-five years or until such time as a municipality having authority to do so, or the State, shall purchase the property operated under such permit, or until terminated according to law for misuser or non-user.

(2) Nothing herein shall be so construed as superseding, modifying, or annulling the provisions of any franchise heretofore granted by a municipality or the right of such municipality to purchase the plant, properties, and facilities, or terminate the franchise of such grantee. And while such franchises are in force, the rights and liabilities of such municipality, and its inhabitants, and of such public utility, respectively, shall be determined by the provisions of such franchise, and except where in conflict with the express provisions hereof, the Board shall be governed thereby in the exercise of the jurisdiction herein conferred with respect to such public utilities.

(3) Every franchise hereafter granted to any public utility shall have the effect of a terminable permit, as defined in the foregoing Subsection 1.

(4) Any public utility operating in a municipality under a terminable permit, shall be deemed to have consented to the purchase of its property operated in such municipality under such permit, by that municipality for a legal compensation.

(5) If, for any reason, other than for misuser or non-user, or through purchase of the property operated thereunder, any terminable permit held by a public utility is held to be invalid, the public utility shall, by operation of law, and without further act, have reinstated in it the franchise or franchises surrendered by it in exchange for such terminable per-

mit. If such franchise, or any part thereof has expired by limitation of term, it shall, nevertheless, by operation of law, be extended for a period of three years from and after the date when such terminable permit is held to be invalid. If the public utility involved has taken such terminable permit as a new franchise, and not in connection with the surrender of an old franchise, or franchises, it shall, by operation of law, have the right to carry on its operations as embraced in such terminable permit, for a period of three years from the date when such terminable permit is declared invalid.

(6) No person or corporation hereafter shall begin the construction or operation of any public utility, plant, or system, or any extensions thereof in or into any municipality or territory in which it has not theretofore rendered such utility service, until it shall have secured from the Board a certificate of public convenience and necessity. The application for an issuance of any such certificate shall be under such rules and regulations as to hearings and other matters as the Board may from time to time prescribe, and the provisions of this Act shall apply to all such proceedings. Upon receipt of any application for such certificate the Board shall cause notice thereof to be given to and a copy filed with the chief administrative officer of each municipality in which such additional public utility plant or system is proposed to be constructed or operated, with the right to be heard as herein provided with respect to the hearing of complaints or the issuance of securities; and such notice shall also be published for three consecutive weeks in some newspaper of general circulation in each municipality in which said public utility plant or system is to be constructed or operated. The Board shall have power to issue such certificate as prayed for, or to refuse to issue it, or to issue it for any process or processes of the public utility plant or system described in the application, or for the partial issuance of such right or privilege, and may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require. From and after issuance of such certificate and not before, the public utility may, without securing approval other than such certificate, comply with the terms

and conditions contained in or attached to the issuance of such certificate, and proceed with the construction or operation covered thereby. Any construction or operation contrary to the provisions of this paragraph may be enjoined by the District Courts of Travis County, Texas, at the suit of the Board, or any other party in interest; and any public utility, or any director, officer, receiver, operating trustee, lessee, agent, or other person acting for or employed by such public utility, who knowingly authorizes, consents to, or permits any violation of, the provisions of this paragraph, upon conviction thereof, shall be punished by fine of not less than \$1000 or be imprisoned for not more than one year, or both.

Sec. 11. (1) From and after this Act takes effect it shall be unlawful for any public utility to issue any share of capital stock or any bond or other evidence of interest in or indebtedness of any public utility (hereinafter in this section collectively termed "securities"), or to assume any obligation or liability as lessor, lessee, guarantor, indorser, surety, or otherwise, in respect of the securities of any other person, natural or artificial, even though permitted by the authority creating the public utility corporation, unless and until, and then only to the extent that, upon application by the public utility and after investigation by the Board of the purposes and uses of the proposed issue and the proceeds thereof, or of the proposed assumption of obligation or liability in respect of the securities of any other person, natural or artificial, the Board by order authorizes such issue or assumption. The Board shall make such order only if it finds that such issue or assumption: (a) is for some lawful object within its corporate purposes, and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the public utility of utility service to the public, and which will not impair its ability to perform that service, and (b) is reasonably necessary and appropriate for such purpose.

(2) The Board shall have power by its order to grant or deny the application as made, or to grant it in part and deny it in part, or to grant it with such modification and upon such terms and conditions as the Board

may deem necessary or appropriate in the premises, and may, from time to time, for good cause shown, make such supplemental orders in the premises as it may deem necessary or appropriate, and may by any such supplemental order modify the provisions of any previous order as to the particular purposes, uses, and extent to which, or the condition under which any securities so theretofore authorized or the proceeds thereof may be applied, subject always to the requirement of the foregoing paragraph.

(3) Every application for authority shall be made in such form and contain such matters as the Board may describe. Every such application, as also every certificate of notification hereinafter provided for, shall be made under oath, signed and filed on behalf of the public utility by its president, a vice president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the public authority or utility.

(4) All applications for the issuance of securities or assumption of liabilities or obligations shall be placed at the head of the Board's docket and be disposed of promptly, and all such applications shall be disposed of in sixty days after the same are filed with the Board, unless it is necessary for good cause to continue the same for a longer period. Whenever such application is continued beyond sixty days after the time it is filed, the order making such continuance must state fully the facts which necessitate such continuance.

(5) Whenever securities set forth and described in any application for authority or certificate of notification as pledged or held unencumbered in the treasury of the utility shall, subsequent to the filing of such application or certificate, be sold, pledged, repledged, or otherwise disposed of by the public utility, such public utility shall, within ten days after such sale, pledge, repledge, or other disposition file with the Board a certificate of notification to the effect, setting forth therein all such facts as may be required by the Board.

(6) The jurisdiction conferred upon the Board by this section shall be exclusive and plenary, and a public utility may issue securities and assume obligations or liabilities in accordance with the provisions of this section

without securing approval other than as specified herein.

(7) Nothing herein shall be construed to imply any guaranty or obligation as to such securities on the part of the State of Texas.

(8) The foregoing provisions of this section shall not apply to notes to be issued by the public utility maturing not more than two years after the date thereof and aggregating (together with all other outstanding notes of a maturity of two years or less) not more than 5 per centum of the legal value of the property of the public utility as determined under Section 4 of this Act. Within ten days after the making of such notes the public utility issuing the same shall file with the Board a certificate of notification, in such form as may from time to time be determined and prescribed by the Board, setting forth as nearly as may be the same matters as those required in respect of applications for authority to issue other securities; provided, that in any subsequent funding of such notes the provisions of this section respecting other securities shall apply.

(9) Nothing contained in this Act shall limit the power of any court having jurisdiction to authorize or cause receivers' certificates or debentures to be issued according to the rules and practices obtaining in receivership proceedings in courts of equity.

(10) The Board shall require periodical or special reports from each public utility hereafter issuing any securities, including notes, which will show, in such detail as the Board may require, the disposition made of such securities and the application of the proceeds thereof.

(11) Any security issued or any obligation or liability assumed by a public utility, for which under the provisions of this section the authorization of the Board is required, shall be void, if issued or assumed without such authorization therefor having first been obtained, or if issued or assumed contrary to any order supplemental thereto, entered prior to such issuance or assumption; but no security issued or obligation or liability assumed in accordance with all the terms and conditions of such order of authorization therefor as modified by any order supplemental thereto, entered prior to such issuance or assumption, shall be rendered void be-

cause of failure to comply with any provision of this section relating to procedure and other matters preceding the entry of such order of authorization. If any security so made void or any security in respect to which the assumption of obligation or liability is so made void, any person may in a suit or action in any court of competent jurisdiction hold jointly and severally liable for the full amount of the damage sustained by him in respect thereof, the public utility which issued the security so made void, and its directors, officers, attorneys, and other agents who participated in any way in the authorizing, issuing, hypothecating, or selling of the security so made void, or in the authorizing of the assumption of the obligation or liability so made void. In case any security so made void was directly acquired from the public utility issuing it the holder may, at his option, rescind the transaction, and, upon the surrender of the security, recover the consideration given therefor. Any director, officer, attorney, or agent of the utility who knowingly assents to or concurs in any issue of securities or assumptions of obligation or liability forbidden by this section, or any sale or other disposition of securities contrary to the provisions of the Board's order or orders in the premises, or any application not authorized by the Board of the funds derived by the public utility through such sale or other disposition of such securities, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$1,000 nor more than \$10,000.

Sec. 12. Intercompany Relations.

(1) Within the meaning of this section, every foreign corporation shall be deemed to be doing business within the State if, directly or indirectly, through agents, trustees, or any other means, it furnishes to any affiliated public utility for use in intrastate operations in this State, any or all of the following: (a) any managerial, supervisory, engineering, legal, accounting or financial service; (b) any equipment, facilities, or commodities, by sale, lease, exchange, conveyance, license or similar arrangement.

(2) Within the meaning of this section the term "affiliated" shall have the same meaning as the term "affiliated interests" as defined in Sec-

tion 1 of this Act; provided, however, that the mere ownership of stock and receipt of dividends thereon shall not constitute doing business. This section shall not have the effect of imposing upon the corporations described in said section a duty to pay fees. The provisions of this section shall apply to interstate commerce only so far as the Constitution and laws of the United States permit.

(3) No contract or arrangement providing for the furnishing of management, supervisory construction, engineering, accounting, legal, financial, or similar services, and no contract or arrangement for the purchase, sale, lease, or exchange of any property, right, or thing, or for the furnishing of any service, property, right or thing, other than those above enumerated, hereafter made or entered into between a public utility and any holding company, or affiliated interest as defined in this section, shall be valid or effective unless and until such contract or arrangement shall have received the written approval of the Board. It shall be the duty of every public utility to file with the Board a verified copy of any such contract or arrangement, or a verified summary of any unwritten contract or arrangement, and also of all such contracts and arrangements, whether written or unwritten, entered into prior to the effective date of this Act and in force and effect at that time. The Board shall approve such contract or arrangement hereafter made or entered into only if it shall clearly appear and be established upon investigation that it is reasonable and consistent with the public interest; otherwise the contract or arrangement shall not be approved.

No such contract or arrangement shall receive the Board's approval unless satisfactory proof is submitted to the Board of the cost to the holding company or affiliated interest of rendering the services or of furnishing the property or service described herein to such public utility. No proof shall be satisfactory within the meaning of the foregoing sentence unless it includes the original (or verified copies) of the relevant cost records and other relevant accounts of the holding company or affiliated interest, or such abstract thereof or summary taken therefrom as the Board may deem adequate, properly identified and duly authenticated; provided, how-

ever, that the Board may, where reasonable, approve or disapprove such contracts or arrangements without the submission of such cost records or accounts.

(4) In any proceeding, whether upon the Board's own motion or upon complaint, involving the rates or practices of any public utility the Board may exclude from the accounts of such public utility any payment or compensation to a holding company or to an affiliated interest for any services rendered or property or services furnished, as above described under existing contracts or arrangements with such holding company or affiliated interest unless such public utility shall establish the reasonableness of such payment or compensation. In such proceeding the Board shall disallow such payment or compensation, in whole or in part, in the absence of satisfactory proof that it is reasonable in amount. In such proceeding no payment or compensation shall be approved or allowed by the Board, in whole or in part, unless satisfactory proof is submitted to the Board of the cost of the holding company or affiliated interest of rendering the service or furnishing the property or service above described to such public utility. No proof shall be satisfactory, within the meaning of the foregoing sentence, unless it includes the original (or verified copies) of the relevant cost records and other relevant accounts of the holding company or affiliated interest, or such abstract thereof or summary taken therefrom as the Board may deem adequate, properly identified and duly authenticated; provided, however, that the Board may, where reasonable, approve or disapprove such contracts or arrangements without the submission of such cost records or accounts.

(5) The Board shall have continuing supervisory control over the terms and conditions of such contracts and arrangements as are herein described so far as necessary to protect and promote the public interest. The Board shall have the same jurisdiction over the modifications or amendment of contracts or arrangements as are herein described as it has over such original contracts or arrangements. The fact that the Board shall have approved entry into such contracts or arrangements as described herein shall not preclude disallowance or disapproval of payments made pursuant thereto, if upon actual experi-

ence under such contract or arrangement it appears that the payments provided for or made were, or are, unreasonable. Every order of the Board approving any such contract or arrangement shall be expressly conditioned upon the reserved power of the Board to revise and amend the terms and conditions thereof, if, when and as necessary to protect and promote the public interest.

(6) Whenever the Board shall find upon investigation that any public utility is giving effect to any such contract or arrangement without such contract or arrangement having received the Board's approval as required by this section, the Board shall issue a summary order directing the public utility to cease and desist from making any payments or otherwise giving any effect to the terms of such contract or arrangement, until such contract or arrangement shall have received the approval of the Board. Any District Court of Travis County is authorized to enforce such order to cease and desist by appropriate process, including the issuance of a preliminary injunction, upon the suit of the Board.

(7) Whenever the Board shall find upon investigation that any public utility is making payments to a holding company or an affiliated interest, although such payments have been disallowed and disapproved by the Board in a proceeding involving the public utility's rates or practices, the Board shall issue a summary order directing the public utility to cease and desist. Any District Court of Travis County is authorized to enforce such orders to cease and desist by appropriate process, including the issuance of a preliminary injunction, upon the suit of the Board.

(8) Reorganizations of public utilities shall be subject to the supervision and control of the Board, and no such reorganization shall be had or given effect without the written approval of the Board. No plan of reorganization shall be approved by the Board unless it shall be established by the applicant for approval that the plan of reorganization is consistent with the public interest.

(9) No electric public utility corporation shall hereafter purchase the franchise or property of, or consolidate with a gas public utility corporation, either directly or indirectly, and no gas public utility corporation shall purchase the franchise or property

of, or consolidate with, an electric public utility corporation, either directly or indirectly through an affiliated interest or holding company, or otherwise; provided, that a gas public utility corporation heretofore authorized to engage in the business of generating and/or furnishing electricity for light and power uses may, with the approval of the Board, sell its locations and the property used in its business of generating and/or furnishing electricity for light and power uses to an electric public utility corporation whose lines are in the same or in a contiguous municipality.

(10) The Board shall have, in respect of holding companies and affiliated interests, all the authority and power to make investigations, inspections and examinations, to employ experts to assist it in doing so, to subpoena witnesses, administer oaths and take testimony, and to issue orders and decrees as are herein conferred upon it by law with respect to the affairs, management, operations, rates, services and practices of public utilities.

Sec. 13. Board Procedure.

(1) The Board may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. The Board may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any member of the Board, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the State of Texas. Any party may appear before the Board or any member thereof and be heard in person or by attorney. Every vote and official act of the Board or of any member thereof, shall be entered of record, and its proceedings shall be public upon the request of any party interested.

(2) After a decision, order, or requirement has been made by the Board in any proceeding any party thereto may at any time make application for rehearing of the same, or any matter determined therein, and it shall be lawful for the Board in its discretion to grant such a rehearing if sufficient reason therefor be made to appear. Applications for rehearing shall be governed by such general rules as the Board may establish. No such application shall excuse any public utility from complying with or obeying any

decision, order or requirement of the Board, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Board. In case a rehearing is granted the proceedings thereupon shall conform as nearly as may be to the proceedings in an original hearing, except as the Board may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts, including those arising since the former hearing, it shall appear that the original decision, order, or requirement made after such rehearing, reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order.

(3) Nothing contained in this article shall be so construed as to prevent the Board from establishing any other rules of procedure or practice authorized by this Act.

(4) Each witness who shall appear before the Board or its agent by its orders, shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record, which shall be audited and paid by the State in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers sworn to by such witnesses and approved by the chairman of the Board. Said fees and mileage shall be charged to the Public Utility Board Fund.

The Board or any party may in any investigation or hearing cause the depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in district courts. Any expense incurred or authorized by the Board in taking such depositions shall be charged to the Public Utility Board Fund.

Sec. 14. Enforcement Procedure: Penalties.

(1) It is hereby declared that the legislative powers of the State of Texas, in so far as they are involved in the issuance of orders and decisions by the Board, have not been completely exercised until the Board has acted upon an application protesting the order and requesting an opportunity to present oral and/or written arguments thereon, as provided for by this Act and by the rules of the Board, or until such application has been denied by the Board.

(2) The application referred to in Subsection 1 of this section shall set

forth specifically the ground or grounds on which the applicant considers said order or orders to be unlawful or unreasonable. No cause of action arising out of any order, decision or determination of the Board shall accrue in any court to any person or corporation unless such person or corporation shall have made, within the time specified therein, such an application. No person or corporation shall in any court urge or rely on any ground not so set forth in said application.

(3) Every order made by the Board, unless otherwise provided in this Act or by the Board in such order, shall become effective thirty days after it has been signed by the members of the Board, or a majority thereof, and a true copy has been deposited by registered letter in the United States mail addressed to the parties to said cause or their attorneys of record.

(4) Any party to said cause may, at any time after the cause is heard by the Board up to ten days before the effective date of said order, file with the Board a written request for oral or written argument. Immediately upon receipt of such request the Board shall set a date and place for such argument and shall furnish to all parties to said cause a copy of the written request and order setting for hearing said argument. Mailing copy of such written request and order setting date for said argument shall constitute notice of said hearing. However, in no event shall said hearing be had after the effective date of said order but the Board may, when necessary, change the effective date of said order. Upon said hearing any party to said cause may present to the Board any new testimony not presented upon the original trial of said cause before the Board, provided in the opinion of the Board the party desiring to offer such new testimony had used due diligence in an effort to secure such new testimony before the original hearing, and the Board's determination as to the previous availability of said evidence and the diligence used by the party desiring to offer same shall not be subject to review by any court except when said determination, in the opinion of said court, is so arbitrary as to amount to an abuse of discretion.

(5) Until thirty days after the date set by the Board for an order to become effective, any party to the

cause may apply to any District Court of Travis County, Texas, for a writ of injunction and certiorari or review for the purpose of having the legality of the order of the Board inquired into and determined. The court shall thereupon issue such writ directing the Board to certify its record in the case to the court, and directing the appellant to prepare a brief in conformity with Section 2 above. Four copies of appellant's brief shall be filed with the clerk of the court, one other copy shall be filed with the Board, and one copy shall be sent to any party to the cause. The Board, and any other such party, shall be permitted a reasonable time after receiving appellant's brief to prepare and file with the clerk of the court a counter brief, upon request for permission to do so.

If the appellant being a public utility prays for a writ staying the application of an order or orders of the Board involving any matter which directly or indirectly amounts to reduction in rates by such public utility, or which tends to restrain the public utility from any act or thing which amounts to an increase in rates, such public utility shall file with the clerk of the court, at the time of such application for the writ, a bond in sufficient amount, as determined by the Board with the approval of the court, to reasonably cover the sum of any rates charged by the public utility in excess of those specified by the Board in the contested order or orders. This bond shall be made payable to the Board for the benefit of the consumers involved, and the amount thereof shall be increased at any time, or from time to time, and the sureties changed or increased at the request of the Board, if reasonably necessary to provide a continuing protection for such consumers.

In case such stay of execution, as above described, is granted, the Board shall by order, require the public utility to keep accurate account in detail of all amounts received in excess of those specified in order or orders of the Board which are covered by the appeal. The accounts shall show by whom, or in whose behalf, such payments are made, and if the final judgment of the court shall sustain the Board's order or orders on appeal then the public utility shall be required to refund such amounts to the Board, representing such rates or portion of rates found to be excessive

or unlawful, with 6 per cent interest per annum thereon. The Board shall immediately pay over such funds to the governing body of the municipality where the excess payments were made, and the municipality shall, if possible, refund such excess charges to the consumers who paid them. If, within one year after the final judgment of the court thereon any of such funds have not been refunded they shall be put into the general fund of the municipality.

In case appellant shall not file a bond as provided herein then the order or orders of the Board covered by the appeal shall be in full force and effect, unless and until such bond is thereafter filed.

If, upon hearing on the appeal, the court shall uphold the order or orders of the Board the appellant public utility shall pay all reasonable court costs as ordered by the court. But such court costs, and all other costs suffered by the appellant public utility of any nature whatsoever, specifically assignable to the action or actions on such appeal shall not be charged by appellant public utility to operating expenses. If the court shall overthrow such order or orders of the Board on appeal, then such reasonable court costs as the court shall order shall be paid by the State Treasurer out of the Public Utility Board Fund; and the appellant public utility shall be entitled to charge to operating expenses the reasonable costs incurred by reason of the appeal.

(6) If on any trial of an appeal from an order or orders of the Board, as provided in Subsection 5 of this Article, any evidence is presented to the court by appellant, and found by the court to be different from that offered upon hearing, or reargument, before the Board, or additional thereto and materially affecting any issue involved, the court shall require the appellant to show good and sufficient cause why such testimony was not presented to the Board. If appellant fails to show such good and sufficient cause the court shall not admit such testimony, but shall try the case on the record of the Board, as certified to the court by the Board. If such good and sufficient cause be shown to the satisfaction of the court then the court before proceeding to render judgment shall transmit a copy of such testimony to the Board, and shall stay further proceedings in the action until the Board shall have had a rea-

sonable time, as specified by the court, to consider such testimony. Upon receipt of such testimony the Board shall consider the same, and may alter, modify, or rescind the order or orders at issue, and shall report its action thereon to the court. If the Board shall alter, modify or amend its order, such altered, modified or amended order shall take the place of the original order as though made by the Board in the first instance. If the original order is not rescinded, altered or amended by the Board then judgment shall be rendered upon the original order. In either case the findings and conclusions of the Board on questions of fact shall be final and shall not be subject to review except as hereinafter provided in Subsection 8. Such questions of fact shall include all material data as well as the findings and conclusions of the Board on reasonableness, discrimination, value, and other considerations involving a matter of human judgment or discretion which have been specifically delegated to the Board by this Act.

(7) Upon a hearing on appeal from an order or orders of the Board the court shall enter judgment either affirming or setting aside the order or orders of the Board. The provisions of the Statutes of this State relating to appeals shall, so far as applicable and not in conflict with the provisions of this Act, apply to proceedings instituted in the court under the provisions of this section. No court of this State except the District Courts of Travis County, Texas, to the extent herein specified, shall have original jurisdiction to review, affirm, reverse or annul any order of the Board, or to suspend or delay the execution of operation thereof, or to enjoin, restrain or interfere in any way with the Board in the performance of its official duties; provided, that the writs of mandamus or injunction shall lie from the Supreme Court to the Board in all proper cases.

(8) In any proceeding wherein the validity of any order or decision is challenged on the ground that it violates any right of appellant under the Constitution of the United States or of this State, the court shall exercise an independent judgment on the law and the facts, and the findings or conclusions of the Board material to the determination of the said constitutional question shall not be final.

(9) If any public utility fails or neglects to obey any order of the Board, while the same is in effect, the Board, or any party injured by such failure or neglect, may apply to a District Court of Travis County for the enforcement of such order. If, after hearing, the court determines that the order was regularly made and duly served, and the public utility is in disobedience of the same, the court shall enforce the obedience to the order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such public utility, its officers, agents, employes, or representatives from further disobedience of such order, or to enjoin upon it and/or them obedience to the same.

(10) No public utility nor any officer, agent, or employes thereof, shall be liable for any penalty or forfeiture, or be subject to any prosecution on account of demanding, collecting or receiving any rate, for any service or product rendered or furnished by it, or for enforcing any rule, regulation, or practice, when such rate, rule, regulation, or practice is contained in the rate, and other schedules properly filed with the Board, and posted or published as herein provided, and is applicable by the terms thereof at the time to the said service or product rendered or furnished, although such rate may be found by the Board to be unjust, unreasonable, unjustly discriminatory or unduly preferential.

(11) If any individual who shall be subpoenaed to attend before the Board, or a member or proper employe of the Board, shall fail to obey the command of such subpoena, or if any individual in attendance before the Board, or a member or proper employe of the Board, shall refuse to be sworn or to be examined, or to answer any relevant question, or to produce any relevant book, paper, or document, when ordered so to do by the Board, or a member or proper employe of the Board, the Board may invoke the aid of any district court of the State of Texas to enforce such attendance and testimony of witnesses, and the production of books, papers, and documents; and such court, on due cause shown, shall issue an order requiring any person to appear before said Board, or member or proper employe of the Board, and produce books, papers, and other doc-

uments if so ordered, and give testimony touching the matter in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof, in the same manner as in the case of disobedience of the requirements of a subpoena issued from such court, or a refusal to testify or produce evidence therein.

(12) If such person be an officer, director, or employe of a public utility which is a party to the proceeding before the Board, or if any person being an officer, director, or employe of such public utility, shall absent himself from the jurisdiction of the State or conceal himself for the purpose of avoiding service of a subpoena; or shall remove relevant books, papers, or other documents out of this State for the purpose of preventing their examination by the Board; or shall destroy or conceal any such books, papers, or other documents for such purpose, he shall be adjudged guilty of contempt; and the said district court may impose a fine of not less than fifty dollars nor more than five hundred dollars for each day during the continuance of such refusal, neglect, concealment, or removal; and if the said court shall find that the neglect, refusal, or concealment, or the removal or destruction of books, papers, or other documents, by such witness, has been occasioned by the advice or consent of such public utility, or in anywise aided or abetted by it, then, in default of payment of said fine by the person in contempt, the same shall be paid by said public utility, and may be recovered from it by an action, in the name of the State, in the said court, as other like fines and penalties are now by law recoverable. Imprisonment for contempt shall be by commitment to the county jail of the county in which such hearing is had.

(13) Any person, whether an officer, agent, or employe of any public utility or not, or any corporation, who shall knowingly fail, omit, neglect, or refuse to obey, observe, and comply with any final order, direction, or requirement of the Board, or with any final order or decree of the court affirming an order, direction or requirement of the Board; any such violation, omission, failure, neglect, or refusal—shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction

shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not less than one month, nor more than twelve months, either or both, at the discretion of the court; and upon conviction of any subsequent offense shall be punished by a fine of not more than five hundred dollars, or by availability of said evidence and the diligence used by the party desiring to offer same shall not be subject to review by any court except when said determination, in the opinion of said court, is so arbitrary as to amount to an abuse of discretion.

Until thirty days after the date set by the Board for an order to become effective, any party to the cause may apply to any District Court of Travis County, Texas, for a writ of injunction and certiorari or review for the purpose of having the legality imprisonment in the county jail for not less than one month, nor more than twelve months, either or both, at the discretion of the court; and upon conviction of any subsequent offense shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not less than three months, nor more than eighteen months, either or both, at the discretion of the court.

(14) Any president, secretary, treasurer, or other officer of any public utility who shall knowingly affix his name or attestation to any written contract or arrangement, or any director who shall knowingly assent to the entering into of any written or unwritten contract arrangement, in violation of any of the provisions or requirements of this Act; or any officer or director knowingly making or assenting to any false statement in any application for the approval of any contract or arrangement, the approval of which is required by this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay the costs of prosecution and a fine not exceeding five thousand dollars, or undergo an imprisonment for a term not exceeding five years, either or both, in the discretion of the court.

(15) If any public utility shall violate any of the provisions of this Act, or shall do any matter or thing herein prohibited; or shall fail, omit, neglect, or refuse to obey, observe, and comply with any final direction, requirement, determination, or order

made by the Board, for which there is no specific penalty provided elsewhere in this Act, such public utility, for such violation, omission, failure, neglect, or refusal shall forfeit and pay to the State of Texas the sum of one hundred dollars, to be recovered by an action instituted by the Attorney General in the name of the State of Texas, in a District Court of Travis County, which court is hereby clothed with exclusive jurisdiction to hear and determine all such action.

In construing and enforcing the provisions of this section the violation, omission, failure, neglect, or refusal of any officer, agent, or other person acting for or employed by any such public utility, acting within the scope of his employment, shall in every case be deemed to be the violation, omission, failure, neglect, or refusal of such public utility.

(16) Each and every day's continuance in the violation of such final direction, requirement, determination, or order of the Board, or of any final judgment, order, or court decree, shall be a separate and distinct offense; provided, however, that if any injunction or preliminary injunction be granted under the provisions of this article, no penalties shall be incurred or collected for or on account of any act, matter, or thing done in violation of such final direction, requirement, determination, order, or decree, so enjoined, for the period of time such order or injunction is in force.

(17) Any person who wilfully makes any false entry in the accounts or records prescribed by the Board for any public utility, or who wilfully destroys, mutilates, or by any other means wilfully falsifies such accounts or records, or wilfully neglects or fails to make full, true or correct entries of all facts and transactions shall be punished by a fine not to exceed five thousand dollars, or be imprisoned in the penitentiary for a term not exceeding five years, or shall suffer both fine and imprisonment.

(18) If any public utility shall do or cause to be done any act, matter, or thing prohibited or declared to be unlawful by this Act, or shall refuse, neglect, or omit to do any act, matter, or thing enjoined or required to be done by this Act, such public utility shall be liable to the person or corporation injured thereby in the full amount of damages sustained in consequence thereof; provided, that the

liability of public utilities for negligence, as heretofore established by statute or by common law, shall not be held or construed to be altered or repealed by any of the provisions of this Act; and provided further, that the recovery authorized in this section shall in no manner affect a recovery by the State of the penalty prescribed for the aforesaid violation of this Act.

(19) All fines imposed and all penalties recovered under the provisions of this Act shall be paid into the State Treasury.

(20) No action for the recovery of any penalties or forfeitures incurred under the provisions of this Act, and no prosecutions on account of any matter or thing concerned in this Act, shall be maintained unless brought within three years from the date at which the liability therefor arose.

(21) All suits, remedies, prosecutions, penalties and forfeitures provided for or accruing under this Act shall be cumulative.

(22) Actions to recover penalties under this Act shall be brought in the name of the State of Texas in a District Court of Travis County, Texas, except as herein otherwise provided. Whenever any public utility or any officer or employe thereof is subject to a penalty under this Act, the Board shall certify the facts to the Attorney General of Texas, who shall institute and prosecute an action for the recovery of such penalty, provided the Board may compromise such action and dismiss the same on such terms as the court will approve. All penalties recovered by the State in such actions shall be paid into the State Treasury to the credit of the General Fund.

Sec. 15. Compulsory Testimony.

No person shall be excused from attending and testifying or from producing books, papers, rate schedules, contracts, agreements and documents before the Board or in obedience to the subpoena or subpoena duces tecum of the Board, whether such subpoena or subpoena duces tecum be signed or issued by one or more of the members of the Board, or by any employe of the Board having power to issue such subpoena or subpoena duces tecum, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or of any amendment

thereof, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he may testify, or produce evidence, documentary or otherwise, before said Board, or in obedience to its subpoena or subpoena duces tecum of any one of them, or of any employe having power to issue such subpoena or subpoena duces tecum, or in having such case or proceedings; provided, that no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. Immunity shall extend only to a natural person who, in obedience to a subpoena or subpoena duces tecum, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

Sec. 16. Miscellaneous.

(1) If any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(2) This Act may be cited as the Texas Public Utilities Act.

(3) All laws and parts of laws in conflict with this Act are hereby expressly repealed.

Sec. 17. The fact that existing laws do not adequately provide for the regulation of public utilities, and that relief in that field is sorely needed, create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each house, be suspended, and the same is hereby suspended, and that this bill take effect and be in force from and after its passage, and it is so enacted.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, April 12, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate

has concurred in House amendments to Senate Bill No. 366 by the following vote:

Yeas, 24; nays, 0, viva voce.

Respectfully,

BOB BARKER,
Secretary of the Senate.

RELATIVE TO INVESTIGATION OF CONDITIONS AT RETRIEVE STATE FARM

Mr. McCalla offered the following resolution:

Whereas, The House has authorized, and the Speaker has appointed a committee of five to investigate charges of brutality at the Retrieve State Farm; and

Whereas, It is necessary to conduct a thorough investigation that the committee be empowered to take testimony under oath and to interrogate witnesses without the presence of other persons; therefore, be it

Resolved by the House of Representatives, That this committee be authorized to hold such executive sessions as the committee may decide, that the chairman be authorized to administer oaths to said witnesses and that the committee be empowered to summons before it such witnesses as it may decide to hear, such summons to be signed by the chairman of the committee, and such summons may be served by any person designated by the committee.

McCALLA,
McKINNEY,
ALEXANDER,
CANON,
DAVIS.

The resolution was read second time, and was adopted.

BILL AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bill and resolution:

S. B. No. 367, "An Act amending Article 4216, Chapter 8, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, relating to the confirmation of sales of real estate by guardians, etc., and declaring an emergency."

S. C. R. No. 31, Granting Hon. W. R. Chapman permission to be absent from the State.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 388

Mr. Knetsch submitted the following conference committee report on House Bill No. 388:

Committee Room,
Austin, Texas, April 10, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the two houses on House Bill No. 388, providing for a new article to the Revised Civil Statutes, 1925, to be known as Article 6954-a, providing a method for holding elections to determine whether turkeys shall be permitted to run at large in political subdivisions in Guadalupe, Hardeman, Gonzales and Wise Counties, do recommend that the bill be passed in the form, text and substance as submitted herewith:

"H. B. No. 388,

A BILL

To Be Entitled

An Act adding a new article to the Revised Civil Statutes of Texas, 1925, to be known as Article 6954-a, providing a method for holding elections to determine whether turkeys shall be permitted to run at large in political subdivisions of Guadalupe, Hardeman, Gonzales, and Wise Counties; providing that if the freeholders of any such political subdivisions determine, at an election called for the purpose, to prevent turkeys from running at large in such counties, the provisions of Articles 6957 to 6971, inclusive, shall be applicable thereto, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That a new Article be added to the Revised Civil Statutes of Texas, 1925, to be known as Article 6954-a, to read as follows:

"Article 6954-a. Upon the written petition of twenty-five (25) freeholders of any political subdivision of Guadalupe, Hardeman, Gonzales, and Wise Counties, the commissioners courts of such counties shall order an election to be held in such sub-

divisions, which subdivisions shall be described in the petition and defined by the commissioners courts, on the day named in the order for the purpose of enabling the freeholders of such subdivisions to determine whether turkeys shall be permitted to run at large in such subdivisions of such counties. The requisites of the petition, the order of the court, the order of the county judge, the election and all proceedings thereunder shall be the same as prescribed in Articles 6957 to 6971, inclusive, of the Revised Civil Statutes of Texas, 1925, Title 121, Chapter 6, and all provisions thereof, relative to stock running at large, the impounding thereof, and the penalty therefor shall be applicable to turkeys running at large in the event any such subdivision of said counties shall by election prohibit the running at large of turkeys by a vote as in such Statutes provided; provided that the fees for impounding turkeys shall be ten (10) cents per day for each turkey so impounded."

Sec. 2. The fact that there is now no adequate law by which citizens of Guadalupe, Hardeman, Gonzales, and Wise Counties may prohibit turkeys from running at large and depredating growing crops, and the urgency of such measures, create an emergency and an imperative public necessity, requiring that the constitutional rule, that bills be read in each house on three several days, be, and the same is hereby, suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

MARTIN,
HOPKINS,
HOLBROOK,
COLLIE,

On the part of the Senate;

KNETSCH,
JONES of Wise,
McKEE,
ROANE,
MOFFETT,

On the part of the House.

On motion of Mr. Knetsch, the report was adopted by the following vote:

Yeas—117

Adkins
Aikin
Alsup
Ash
Atchison

Beck
Bergman
Bourne
Bradbury
Bradford

Broyles	Jones of Falls
Burton	Jones of Runnels
Butler of Brazos	Jones of Wise
Butler of Karnes	King
Cagle	Knetsch
Caldwell	Lange
Calvert	Lanning
Canon	Lemens
Celaya	Leonard
Clayton	Lindsey
Collins	Lotief
Colquitt	Lucas
Cooper	Mauritz
Cowley	McCalla
Craddock	McConnell
Crossley	McFarland
Daniel	McKee
Davis	McKinney
Davisson	Moffett
of Eastland	Moore
Dickison	Morris
Dunagan	Morrison
Dunlap of Hays	Morse
Dwyer	Newton
Fain	Padgett
Farmer	Palmer
Fitzwater	Patterson
Fox	Payne
Frazer	Reader
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Glass	Riddle
Graves	Roark
Gray	Rogers
Greathouse	Russell
Hardin	Rutta
Harris of Archer	Settle
Harris of Dallas	Shofner
Hartzog	Smith
Head	Spears
Herzik	Stanfield
Hill	Stovall
Hodges	Tarwater
Hofheinz	Tennyson
Holland	Thornton
Hoskins	Tillery
Howard	Waggoner
Huddleston	Walker
Hunt	Wells
Hunter	Westfall
Hyder	Wood of Harrison
Jackson	Wood of Montague
James	Worley
Jones of Atascosa	Youngblood

Absent

Adamson	Hankamer
Alexander	Hanna
Colson	Jefferson
Davison of Fisher	Keefe
Dunlap of Kleberg	Leath
Duvall	Luker
England	Pope
Fisher	Quinn
Ford	Roach of Angelina
Good	Roberts

Scarborough	Venable
Steward	Young
Stinson	

Absent—Excused

Jones of Shelby	Petsch
Latham	Roach of Hunt
Nicholson	Roane
Olsen	

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Bill No. 388.

The following have been appointed on the part of the Senate: Senators Hopkins, Cotten, Holbrook, Martin, and Collie.

The Senate has adopted the conference committee report on House Bill No. 444 by the following vote: Yeas, 22; nays, 1.

The Senate has adopted

S. C. R. No. 37, Relative to the presentation of a portrait of Franklin D. Roosevelt by the Young Democrats of Texas.

Respectfully,

BOB BARKER,

Secretary of the Senate.

PROVIDING FOR THE ACCEPT-
ANCE OF PORTRAIT OF THE
HON. FRANKLIN DELANO
ROOSEVELT

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 37, Providing for the acceptance of a portrait of Hon. Franklin Delano Roosevelt.

Whereas, The Young Democrats of Texas will, on April 13, 1935, at Fort Worth, present to the people of Texas a life-sized portrait of the President of the United States, the Hon. Franklin Delano Roosevelt, which portrait has just been completed by Douglas Chandor, of Texas, a world famous artist; and

Whereas, It is befitting that such portrait be hung in the Capitol at Austin; therefore, be it

Resolved by the Senate, the House concurring, That the Lieutenant Governor of Texas, be, and he is hereby, directed to accept said portrait on behalf of the State of Texas, and that it be appropriately hung in the rotunda or in the entrance chamber to the rotunda of the Capitol where it can be visible to all who enter the Capitol of Texas; be it further

Resolved, That the Board of Control be instructed to appropriately place such portrait and arrange for the careful preservation of same.

The resolution was read second time, and was adopted.

INVITATION TO MEMBERS OF THE HOUSE TO ATTEND THE FIESTA IN SAN ANTONIO

In accordance with the provisions of a resolution, inviting Hon. Ralph H. Durkee to address the House, Mr. Durkee and party having been escorted to the Speaker's stand by Messrs. Reader, Dwyer, Spears, Jefferson, and Dickison, Speaker Stevenson presented Mr. Reader, who introduced Hon. Ralph Durkee.

Mr. Durkee then addressed the House, which address, on motion of Messrs. Reader, Dwyer, Spears, Jefferson, and Dickison was ordered printed in the Journal:

"Mr. Speaker and Members of the House: The officers and directors of the Fiesta San Jacinto Association are greatly honored in being permitted to come before you. I am not unmindful that you have interrupted a busy session to permit me to address you.

"For forty-four years the people of San Antonio have annually celebrated the victory of General Sam Houston at San Jacinto. In pageantry, parade and pilgrimage they have kept alive the memory of those brave men and fearless women who founded our State and whose patriotic impulses and tireless efforts should ever remain before us as examples of true patriotic devotion.

"The people of San Antonio, as are all Texans, are looking forward to their part in the Centennial.

"This year the Fiesta program is planned as a prelude to San Antonio's part in that event.

"It seemed fitting to the officers and directors of the Fiesta that the eyes of the Nation should be turned toward Texas, and especially upon our immortal shrine—The Alamo.

"At the same time it seemed proper that recognition might be given those who occupy positions of distinction or who have contributed to the renown of Texas.

"Invitations have therefore been issued to one of the most striking events of Fiesta—The Pilgrimage to the Alamo—where each year groups and individuals pile high before the sacred portals of the Alamo the fragrant flowers of Texas.

"We have come today to present you with your individual invitations.

"We wish we might grasp the hand of each of you with this presentation.

"These invitations are limited in number and have been issued only to those who, by virtue of the position they occupy or due to the fact that they have rendered some outstanding service to Texas, are entitled to one.

"They have been presented to President Roosevelt, members of the Cabinet, Governors of all the States, members of the Centennial Commission, scholars, authors, sculptors, painters, and soldiers, and persons in every field who have performed some service for Texas.

"The painting of the Alamo is a new one, executed especially for this invitation. The story of the Pilgrimage and the Alamo are especially appropriate.

"This is not just another invitation. It is our invitation, expressed in a beautiful form, and as full of feeling as we are capable of planning, to you, fellow Texans, to join with us in the Pilgrimage to the Alamo, there to lay flowers in memory of those who gave their lives for Texas."

RECESS

On motion of Mr. Graves, the House at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 365 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 365, relating to the creation of a Board of Public Utility Commissioners of Texas;

The bill having heretofore been read second time, with committee amendment by Mr. Graves, pending.

(Mr. Calvert in the Chair.)

Mr. Graves offered the following amendments to the committee amendment:

Amend committee amendment to House Bill No. 365, page 6, line 28, by adding, after the word "imprisonment" the following: "In the State Penitentiary."

Amend committee amendment to House Bill No. 365, page 9, line 6, by adding the following:

"Each member of the Board shall have the power to administer oaths and affirmations, and any person swearing falsely before the Board or any member thereof, shall be guilty of false swearing or perjury and shall be punished therefor as provided in the Penal Code of Texas."

Amend committee amendment to House Bill No. 365, page 9, line 31, by adding after the word "report" the following:

"And any false statement made therein shall be punished as provided for false swearing or perjury."

Amend committee amendment to House Bill No. 365, page 17, lines 6 and 7, by striking out the words "and street railway utilities."

Amend committee amendment to House Bill No. 365, page 19, line 3, by adding after the word "effect," the following:

"In the same manner."

Amend committee amendment to House Bill No. 365, page 21, line 12, after the word "own" insert the word "motion."

Amend committee amendment to House Bill No. 365, page 26, line 23, by changing the word "each" to "such."

Amend committee amendment to House Bill No. 365, page 27, line 33, by adding after the word "are" the word "herein."

Amend committee amendment to House Bill No. 365, page 32, line 5, after the word "imprisoned" insert the following: "in the county jail".

Amend committee amendment to House Bill No. 365, page 38, line 7, at the end thereof, add the following:

"From making any payments or otherwise giving any effect to the terms of such contract or arrangement, until such contract or arrangement shall have received the approval of the Board."

Amend committee amendment to House Bill No. 365, page 39, line 39, after the word "in," by adding the following: "The district courts of this State," and strike out "courts of record."

Amend committee amendment to House Bill No. 365, page 39, line 30, after the word "requirement," by adding the following: "is in any respect unjust or unwarranted, the Board may reserve, change, or modify the same accordingly. Any decision, order, or requirement".

Amend committee amendment to House Bill No. 365, page 41, at the end of line 39, by adding the following: "Payable in Travis County, Texas."

Amend committee amendment to House Bill No. 365, page 42, after the word "thereon" in line 19, by adding the following: "or failing to do so, the Board shall direct the Attorney General to bring suit on said bond in Travis County, Texas, and when the amount recovered on said bond is received"; and also change the capital "T" in the word "The" to a lower case "t."

Amend committee amendment to House Bill No. 365, page 42, line 3, after the word "orders," by adding the following: "For a time to be determined by the Board and the court."

Amend committee amendment to House Bill No. 365, page 46, line 6, by eliminating the phrase: "or any corporations".

Amend committee amendment to House Bill No. 365, page 46, lines 10 and 11, by eliminating the phrase: "any such violation, omission, failure, neglect or refusal".

Amend committee amendment to House Bill No. 365, page 46, line 18, beginning after the word "dollars," by eliminating all of that line and lines 19, 20, 21, and 22.

Amend committee amendment to House Bill No. 365, page 46, line 18, after the word "dollars," by inserting the following: "or by imprisonment in the county jail for not less than one month nor more than twelve months, either or both, at the discretion of the court; and upon conviction of any subsequent offense shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than three months, nor more than eighteen months, either or both, at the discretion of the court."

Amend committee amendment to House Bill No. 365, page 46, by eliminating lines 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33.

Amend committee amendment to House Bill No. 365, page 47, line 6, after the word "years," by adding the following: "In the State Penitentiary."

Amend committee amendment to House Bill No. 365, page 48, line 3, after the word "both," by adding the word "such."

Amend committee amendment to House Bill No. 365, page 48, line 1, after the second word therein, by adding the following: "In such accounts or records."

Amend committee amendment to House Bill No. 365, page 47, by changing the last word in line 19, to "actions."

Amend committee amendment to House Bill No. 365, page 49, by changing the word "create" to "creates," in line 38.

Amend committee amendment to House Bill No. 365, page 37, line 7, printed bill, by striking out the second and third words therein, and insert in lieu thereof the following: "relevant accounts."

Amend committee amendment to House Bill No. 365, page 27, line 25, by changing the word "earning" to "earnings."

Amend committee amendment to House Bill No. 365, page 5, line 21, by adding to the fourth word therein the letter "d" at the end thereof.

Amend committee amendment to House Bill No. 365, page 13, line 9, thereof by striking out the word "tho" thereon.

Amend committee amendment to House Bill No. 365, page 13, line 28, by striking out the comma after the word "Mayor."

Amend committee amendment to House Bill No. 365, page 15, line 23, after the word "gross" add in the "county jail."

Amend committee amendment to House Bill No. 365, page 17, line 8, by adding to the word "determine" therein the letter "d."

Amend committee amendment to House Bill No. 365, page 18, line 21, by changing the last word therein to "hear."

Amend committee amendment to House Bill No. 365, page 20, line 4, by striking out the fourth word therein and substitute therefor the word "proposed".

Amend committee amendment to House Bill No. 365, page 22, line 23, by striking out the next to the last word therein, and insert in lieu thereof the words "with the".

The amendments were severally adopted.

Mr. Hofheinz offered the following amendments to the committee amendment:

Amend committee amendment to House Bill No. 365, Section 1, Subsection 1, by adding after the word "compensation," in line 22, a new paragraph, as follows:

"Delivering or furnishing gas either directly or indirectly through or by means of their own facilities or otherwise to or for the public for compensation."

Amend committee amendment to House Bill No. 365, Section 1, Subsection 1, page 3, line 20, by striking out the word "gas."

The amendments were severally adopted.

Mr. Morris offered the following amendments to the committee amendment:

Amend committee amendment to House Bill No. 365 by adding, on page 10 thereof, at the end of paragraph 1, the following:

"But the powers here granted shall not extend to, cover or affect a municipality, nor prevent it from purchasing, building, owning, or operating its own utilities; nor shall it extend to, cover, or affect any of the properties, effects, or rights of any such municipally-owned or operated utilities; nor shall it extend to, cover or authorize the Board to grant any right, use or occupancy in or to any road, street or alley in such municipality; nor shall it extend to the authorizing of the Board to grant to any utility the right to enter any municipality or render services therein without the consent of such municipality, given by the authority of the legal voters of such municipality through an election authorized by the governing body of such municipality.

"And providing further, that it shall never be necessary for any municipal corporation to secure from the Board a certificate of public convenience and necessity for the purpose of constructing or operating any public utility plant or system."

MORRIS,
FISHER.

Amend committee amendment to House Bill No. 365, page 25, line 40, at the end thereof insert the following:

"Provided, however, that no complaint that a municipally-owned plant is unable to furnish service shall warrant the granting of a permit for any utility to enter such municipality."

Amend committee amendment to House Bill No. 365, page 31, line 12, after the word "necessity" insert the following:

"As well as the consent in writing of the governing body of such municipality authorized by a majority vote of the legal voters of such municipality."

Amend committee amendment to House Bill No. 365, page 38, at the end of line 32, by adding the following:

"Or make such sale to the municipality if such be desired."

The amendments were severally adopted.

Mr. Aikin offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 365, page 2, line 39, by striking out all of line 39 and insert the following: "of salaries paid for the same work in other departments as set in the departmental appropriation bill."

The amendment was adopted.

Mr. Duvall offered the following amendment to the committee amendment:

Amend Section 5 of committee amendment for House Bill No. 365 by adding thereto a new subsection to be numbered (22) at line 33 of page 22 of the printed bill, which said subsection shall read as follows:

"(22) Any two or more public utilities as defined in Section 1 of this Act, which are engaged in any public utility business in any city or town of this State may merge or consolidate their facilities within such city or town, or any such public utility may lease, sell, or otherwise dispose of its plant or business or any part thereof to any other public utility doing or authorized to do a like business within said city or town, by securing the approval of said consolidation, merger, sale, lease, or other disposition by the Board of Public Utility Commissioners and the governing body of the city or town in which the properties concerned are located; pro-

vided, however, that where a public utility is municipally owned the municipality shall not sell and dispose of its property in said utility until the approval of a majority of the qualified voters of such city or town voting in an election held for that purpose has been obtained."

The amendment was adopted.

Mr. Spears offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 365, pages 29 and 30, by striking out all of paragraph 1, Section 10, beginning on line 40, on page 29, and ending on line 13, on page 30.

SPEARS,
READER.

Mr. Pope moved that further consideration of House Bill No. 365 be postponed until 10 o'clock a. m., next Monday, and that same be reset as special order for that time.

Mr. Alsup moved to table the motion by Mr. Pope.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—74

Adamson	Holland
Alsup	Howard
Atchison	Hunt
Bourne	Hunter
Bradford	Hyder
Broyles	Jones of Atascosa
Burton	Jones of Falls
Butler of Karnes	Jones of Wise
Cagle	Keefe
Craddock	Knetsch
Crossley	Lange
Daniel	Lanning
Davis	Leath
Davison of Fisher	Lotief
Davisson	Lucas
of Eastland	Mauritz
England	McCalla
Fain	McConnell
Farmer	McFarland
Fisher .	Moffett
Fox	Morris
Fuchs	Morrison
Gibson	Newton
Glass	Palmer
Graves	Patterson
Harris of Archer	Payne
Harris of Dallas	Reader
Head	Reed of Dallas
Herzik	Roark
Hodges	Rutta
Hofheinz	Settle

Shofner	Waggoner
Spears	Wells
Stovall	Westfall
Tarwater	Wood of Montague
Tennyson	Worley
Thornton	Youngblood
Tillery	

Nays—35

Aikin	Jackson
Beck	James
Bergman	King
Bradbury	Luker
Caldwell	McKinney
Canon	Moore
Clayton	Morse
Colson	Nicholson
Dunagan	Pope
Duvall	Reed of Bowie
Frazer	Roach of Angelina
Good	Russell
Gray	Scarborough
Greathouse	Smith
Hankamer	Walker
Hanna	Wood of Harrison
Hardin	Young
Hill	

Absent

Adkins	Hoskins
Alexander	Huddleston
Ash	Jefferson
Butler of Brazos	Jones of Runnels
Calvert	Lemens
Celaya	Leonard
Collins	Lindsey
Colquitt	McKee
Cooper	Padgett
Cowley	Quinn
Dickison	Riddle
Dunlap of Hays	Roberts
Dunlap of Kleberg	Rogers
Dwyer	Stanfield
Fitzwater	Steward
Ford	Stinson
Hartzog	Venable

Absent—Excused

Jones of Shelby	Petsch
Latham	Roach of Hunt
Olsen	Roane

Question next recurring on the amendment by Mr. Spears, it was adopted.

Mr. Reader moved that the House Rule which relates to the time allotted for debate be suspended at this time, and that each speaker be allotted ten minutes, and no extension of time, for debate on the amendments and the bill.

Mr. Pope raised a point of order on further consideration of the motion by Mr. Reader, on the ground that same is in effect an amend-

ment to the Rules, which can only be done by a resolution.

The Chair overruled the point of order.

Question recurring on the motion by Mr. Reader, it was lost by the following vote:

Yeas—42

Atchison	Jones of Falls
Beck	Jones of Runnels
Bradford	Jones of Wise
Cagle	Keefe
Clayton	Lanning
Cowley	Lindsey
Crossley	Lucas
Daniel	Luker
Davis	Mauritz
Davisson	McCalla
of Eastland	McFarland
Dwyer	Moffett
England	Moore
Fox	Morris
Gibson	Patterson
Glass	Reader
Harris of Archer	Settle
Head	Smith
Hofheinz	Tarwater
Howard	Wells
Hunt	Worley
Jones of Atascosa	

Nays—76

Adamson	Hardin
Aikin	Harris of Dallas
Alexander	Herzik
Alsup	Hill
Bergman	Hodges
Bourne	Holland
Bradbury	Hoskins
Broyles	Hunter
Burton	Hyder
Butler of Karnes	James
Caldwell	King
Canon	Knetsch
Celaya	Leonard
Collins	Lotief
Colson	McConnell
Cooper	McKee
Craddock	McKinney
Davison of Fisher	Morrison
Dunagan	Morse
Duvall	Newton
Fain	Nicholson
Farmer	Payne
Fisher	Pope
Fitzwater	Reed of Bowie
Frazer	Reed of Dallas
Fuchs	Roach of Angelina
Good	Roark
Graves	Russell
Gray	Rutta
Greathouse	Scarborough
Hankamer	Shofner
Hanna	Spears

Stinson	Walker
Stovall	Westfall
Tennyson	Wood of Harrison
Thornton	Wood of Montague
Tillery	Young
Waggoner	Youngblood

Absent

Adkins	Lange
Ash	Leath
Butler of Brazos	Lemens
Calvert	Padgett
Colquitt	Palmer
Dickison	Quinn
Dunlap of Hays	Riddle
Dunlap of Kleberg	Roberts
Ford	Rogers
Hartzog	Stanfield
Huddleston	Steward
Jackson	Venable
Jefferson	

Absent—Excused

Jones of Shelby	Petsch
Latham	Roach of Hunt
Olsen	Roane

Mr. Bradbury offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 365, page 10, Section 3, by striking out paragraph 1 and insert in lieu thereof the following:

"The Board is vested with power and jurisdiction to supervise and regulate the utilities listed in Section 1 of this Act, except where such power and jurisdiction has been specifically vested in a municipality by the Constitution and/or the laws of the State of Texas. Any municipality in this State which has or may lawfully under the Constitution or laws of the State of Texas claim to have any authority, power, or jurisdiction, over any of the public utilities herein defined may, by a majority vote of its electors voting at any special election called for that purpose, or at any general election, surrender to the Board authority, power or jurisdiction over any one or more, or all of such public utilities. Any such proposal may be presented to the electors by the governing board of such municipality upon its own motion; and shall be so presented upon the written petition of ten per cent of the number of regular qualified electors voting at the last general election. When any municipality shall so surrender its authority, power, or jurisdiction over any utility or utilities such utility or utilities shall immedi-

ately be subjected to the provisions of this Act and to the power and jurisdiction of the Board as herein provided."

Mr. Scarborough moved that the House recess to 10 o'clock a. m., next Monday.

Mr. Howard moved that the House adjourn until 10 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Howard, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—42

Adamson	Hofheinz
Ash	Howard
Bourne	Huddleston
Bradbury	Hunter
Bradford	James
Butler of Brazos	Jones of Runnels
Butler of Karnes	Jones of Wise
Cagle	King
Canon	Lindsey
Collins	Lucas
Colquitt	Luker
Dickison	McKinney
Fisher	Newton
Fox	Olsen
Frazer	Reed of Bowie
Glass	Shofner
Graves	Smith
Hanna	Stinson
Harris of Dallas	Thornton
Head	Waggoner
Hodges	Westfall

Nays—75

Aikin	Good
Alsup	Gray
Atchison	Hankamer
Bergman	Hardin
Broyles	Harris of Archer
Burton	Herzik
Caldwell	Hill
Celaya	Holland
Cooper	Hoskins
Cowley	Hunt
Craddock	Hyder
Crossley	Jackson
Daniel	Jones of Atascosa
Davison of Fisher	Knetsch
Davisson	Lange
of Eastland	Lanning
Dunagan	Leath
Dunlap of Hays	Lotief
Dunlap of Kleberg	Mauritz
Duvall	McCalla
Dwyer	McConnell
England	McFarland
Fain	McKee
Fuchs	Moffett
Gibson	Moore

Morris	Scarborough
Morrison	Settle
Nicholson	Stanfield
Padgett	Stovall
Palmer	Tarwater
Patterson	Venable
Payne	Walker
Reader	Wells
Reed of Dallas	Wood of Harrison
Roach of Angelina	Wood of Montague
Roark	Worley
Rogers	Young
Russell	Youngblood
Rutta	

Absent

Adkins	Jones of Falls
Alexander	Keefe
Beck	Lemens
Calvert	Leonard
Clayton	Morse
Colson	Pope
Davis	Quinn
Farmer	Riddle
Fitzwater	Roberts
Ford	Spears
Greathouse	Steward
Hartzog	Tennyson
Jefferson	Tillery

Absent—Excused

Jones of Shelby	Roach of Hunt
Latham	Roane
Petsch	

Question next recurring on the motion by Mr. Scarborough, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—48

Ash	Hoskins
Bergman	Hunt
Bradbury	Hyder
Broyles	Jackson
Burton	James
Butler of Karnes	Jones of Wise
Cagle	McKee
Caldwell	Morris
Celaya	Nicholson
Collins	Olsen
Colquitt	Palmer
Cooper	Patterson
Cowley	Payne
Craddock	Pope
Crossley	Reader
Dickison	Russell
Dunagan	Scarborough
Duvall	Settle
Dwyer	Shofner
Good	Stinson
Hankamer	Venable
Hardin	Wood of Harrison
Harris of Dallas	Young
Hill	Youngblood

Nays—62

Adamson	Jones of Runnels
Aikin	King
Alsup	Knetsch
Atchison	Lanning
Bourne	Lotief
Bradford	Lucas
Butler of Brazos	Luker
Canon	Mauritz
Daniel	McCalla
Davison of Fisher	McConnell
Davisson	McFarland
of Eastland	McKinney
Dunlap of Hays	Moffett
England	Moore
Fain	Morrison
Fisher	Newton
Fox	Reed of Bowie
Frazer	Reed of Dallas
Fuchs	Roach of Angelina
Gibson	Roark
Glass	Rogers
Gray	Rutta
Harris of Archer	Stanfield
Head	Stovall
Herzik	Tarwater
Hodges	Thornton
Hofheinz	Waggoner
Holland	Walker
Howard	Wells
Huddleston	Westfall
Hunter	Wood of Montague
Jones of Atascosa	Worley

Absent

Adkins	Keefe
Alexander	Lange
Beck	Leath
Calvert	Lemens
Clayton	Leonard
Colson	Lindsey
Davis	Morse
Dunlap of Kleberg	Padgett
Farmer	Quinn
Fitzwater	Riddle
Ford	Roberts
Graves	Smith
Greathouse	Spears
Hanna	Steward
Hartzog	Tennyson
Jefferson	Tillery
Jones of Falls	

Absent—Excused

Jones of Shelby	Roach of Hunt
Latham	Roane
Petsch	

Mr. Head moved to table the amendment by Mr. Bradbury.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

Adamson	Keefe
Alexander	Knetsch
Alsup	Lange
Atchison	Lanning
Bourne	Lindsey
Broyles	Lucas
Burton	Luker
Butler of Brazos	Mauritz
Butler of Karnes	McCalla
Cagle	McConnell
Collins	McFarland
Colquitt	Moffett
Cowley	Moore
Craddock	Morris
Daniel	Morrison
Davison of Fisher	Olsen
Davisson	Palmer
of Eastland	Patterson
Dunlap of Hays	Payne
England	Reader
Fain	Roach of Angelina
Fox	Roark
Fuchs	Roberts
Gibson	Rogers
Graves	Russell
Harris of Archer	Rutta
Head	Shofner
Herzik	Stanfield
Hodges	Stovall
Holland	Tarwater
Hunt	Thornton
Hyder	Venable
Jones of Atascosa	Westfall
Jones of Falls	Wood of Montague
Jones of Runnels	Youngblood
Jones of Wise	

Nays—53

Aikin	Hunter
Bergman	Jackson
Bradbury	James
Bradford	King
Caldwell	Lemens
Canon	Leonard
Celaya	Lotief
Crossley	McKee
Davis	McKinney
Dunagan	Newton
Dunlap of Kleberg	Nicholson
Duvall	Pope
Dwyer	Reed of Bowie
Fisher	Reed of Dallas
Fitzwater	Scarborough
Frazer	Settle
Glass	Smith
Good	Stinson
Gray	Tennyson
Greathouse	Tillery
Hankamer	Waggoner
Hardin	Walker
Harris of Dallas	Wells
Hofheinz	Wood of Harrison
Hoskins	Worley
Howard	Young
Huddleston	

Present—Not Voting

Dickison	Spears
Absent	
Adkins	Hartzog
Ash	Hill
Beck	Jefferson
Calvert	Leath
Clayton	Morse
Colson	Padgett
Cooper	Quinn
Farmer	Riddle
Ford	Steward
Hanna	
Absent—Excused	
Jones of Shelby	Roach of Hunt
Latham	Roane
Petsch	

Question—Shall the committee amendment by Mr. Graves be adopted?

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, April 12, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 189, A bill to be entitled "An Act to regulate the occupation of hairdressers and cosmetologists, to create a State board of examiners for the licensing of persons to carry on and to teach such practice, to insure the better education of such practitioners, etc., and declaring an emergency." (With amendments.)

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE JOINT RESOLUTION ON
FIRST READING

The following House joint resolution was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Alexander, Mr. Spears, Mr. Cagle, and Mr. Moffett:

H. J. R. No. 48, A joint resolution proposing an amendment to Section 1 of Article XVII of the Constitution of Texas, providing that constitutional amendments may be submitted by the Legislature at Special Sessions under certain conditions; providing for an election on the question of the adop-

tion of such amendment and providing for the proclamation and the publication thereof; prescribing the form of ballot and making an appropriation therefor.

Referred to Committee on Constitutional Amendments.

MOTION TO TAKE UP HOUSE BILL NO. 439

Mr. Pope asked unanimous consent of the House to take up, for consideration at this time, House Bill No. 439;

The bill having heretofore been laid on the table subject to call.

There was objection offered.

NOTICES GIVEN

Notices were given by the authors of the bills which were heretofore laid on the table subject to call, that motions would be made to take up said bills on the next legislative day.

ADJOURNMENT

Mr. Knetsch moved that the House recess to 9:30 o'clock a. m., next Monday.

Mr. Wells moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. McKee moved that the House recess to 10 o'clock a. m., next Monday.

Mr. Fain moved that the House adjourn until 9 o'clock a. m., tomorrow.

Mr. Wood of Harrison moved that the House adjourn until 9:30 o'clock a. m., next Monday.

Mr. Rogers moved that the House recess to 9:30 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Fain, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—60

Adamson	Canon
Aikin	Crossley
Alexander	Davis
Alsup	Davison of Fisher
Bourne	Dunlap of Hays
Bradbury	Fain
Bradford	Fisher
Butler of Brazos	Fitzwater

Fox	Moffett
Fuchs	Moore
Gibson	Morrison
Glass	Newton
Hanna	Reader
Harris of Archer	Reed of Bowie
Head	Reed of Dallas
Herzik	Roark
Hodges	Roberts
Holland	Rutta
Howard	Shofner
Huddleston	Stanfield
Jones of Atascosa	Stovall
Keefe	Tarwater
King	Tennyson
Lanning	Thornton
Lemens	Tillery
Lindsey	Waggoner
Lucas	Walker
Luker	Wells
McConnell	Westfall
McFarland	Wood of Montague
McKinney	

Nays—61

Ash	Jackson
Bergman	James
Broyles	Jones of Falls
Burton	Jones of Runnels
Butler of Karnes	Jones of Wise
Cagle	Knetsch
Caldwell	Lange
Celaya	Lotief
Collins	Mauritz
Colquitt	McCalla
Cowley	McKee
Craddock	Morris
Daniel	Nicholson
Davisson	Olsen
of Eastland	Palmer
Dickison	Patterson
Dunagan	Payne
Duvall	Pope
Dwyer	Roach of Angelina
England	Rogers
Frazer	Russell
Good	Scarborough
Graves	Settle
Gray	Smith
Hankamer	Spears
Hardin	Stinson
Harris of Dallas	Venable
Hoskins	Wood of Harrison
Hunt	Worley
Hunter	Young
Hyder	Youngblood

Absent

Adkins	Ford
Atchison	Greathouse
Beck	Hartzog
Calvert	Hill
Clayton	Hofheinz
Colson	Jefferson
Cooper	Leath
Dunlap of Kleberg	Leonard
Farmer	Morse

Padgett
Quinn

Riddle
Steward

Absent—Excused

Jones of Shelby
Latham
Petsch

Roach of Hunt
Roane

Question next recurring on the motion by Mr. Wells that the House adjourn until 9:30 o'clock a. m., tomorrow, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—67

Adamson	Jones of Runnels
Aikin	Keefe
Alexander	King
Alsup	Lanning
Atchison	Lemens
Bourne	Lindsey
Bradbury	Lotief
Bradford	Lucas
Butler of Brazos	Luker
Canon	McConnell
Crossley	McFarland
Davis	McKinney
Davison of Fisher	Moffett
Davisson	Moore
of Eastland	Morrison
Dunlap of Hays	Newton
England	Reader
Fisher	Reed of Bowie
Fitzwater	Reed of Dallas
Fox	Roark
Fuchs	Roberts
Gibson	Rutta
Glass	Shofner
Gray	Stanfield
Hanna	Stovall
Harris of Archer	Tarwater
Head	Tennyson
Herzik	Thornton
Hodges	Tillery
Hofheinz	Waggoner
Holland	Walker
Howard	Wells
Huddleston	Westfall
James	Wood of Montague
Jones of Atascosa	

Nays—56

Ash	Dickison
Bergman	Dunagan
Broyles	Duvall
Burton	Fain
Butler of Karnes	Good
Cagle	Graves
Caldwell	Greathouse
Celaya	Hankamer
Collins	Hardin
Colquitt	Harris of Dallas
Cowley	Hoskins
Craddock	Hunt
Daniel	Hunter

Hyder
Jackson
Jones of Falls
Jones of Wise
Knetsch
Lange
Mauritz
McCalla
McKee
Morris
Nicholson
Olsen
Palmer
Patterson
Payne

Pope
Roach of Angelina
Rogers
Russell
Scarborough
Settle
Smith
Spears
Stinson
Venable
Wood of Harrison
Worley
Young
Youngblood

Absent

Adkins	Hartzog
Beck	Hill
Calvert	Jefferson
Clayton	Leath
Colson	Leonard
Cooper	Morse
Dunlap of Kleberg	Padgett
Dwyer	Quinn
Farmer	Riddle
Ford	Steward
Frazer	

Absent—Excused

Jones of Shelby	Roach of Hunt
Latham	Roane
Petsch	

The House, accordingly, at 5:15 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Appropriations: House Bill No. 961.
Constitutional Amendments: Senate Joint Resolution No. 26.

Highways and Motor Traffic: House Bills Nos. 885, 916, and 926.

Judiciary: Senate Bill No. 441.

Municipal and Private Corporations: House Bills Nos. 364 and 698.

Public Health: Senate Bill No. 10.

Rules: House Concurrent Resolution No. 76.

State Affairs: Senate Bills Nos. 224, 455; House Bill No. 945; House Concurrent Resolutions Nos. 70 and 79.

The Committee on Highways and Motor Traffic filed an adverse report, with a minority favorable report, on House Bill No. 752.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, April 11, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 649, A bill to be entitled
"An Act to amend Article 3317, Title
54, of the Revised Civil Statutes of
the State of Texas, revision of 1925,
and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 11, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 648, A bill to be entitled
"An Act to repeal Article 3316, Title
54, of the Revised Civil Statutes of
the State of Texas, revision of 1925,
and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 11, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 647, A bill to be entitled
"An Act to amend Article 3420, Title
54 of the Revised Civil Statutes of
the State of Texas, revision of 1925,
and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 11, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 646, A bill to be entitled
"An Act to amend Article 3417, Title
54, of the Revised Civil Statutes of
the State of Texas, revision of 1925,
and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 541, A bill to be entitled
"An Act to amend Article 3334, Title
54, of the Revised Civil Statutes of
the State of Texas, revision of 1925,
as amended by Chapter 100, Acts of
the Forty-first Legislature at its
Regular Session in 1929, page 235 of
the Acts of 1929, and declaring an
emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 11, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 539, A bill to be entitled
"An Act to repeal Article 3303, Title
54, of the Revised Civil Statutes of
the State of Texas, revision of 1925,
and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 11, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 538, A bill to be entitled
"An Act to amend Article 3336, Title
54, of the Revised Civil Statutes of
the State of Texas, revision of 1925,
and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 11, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 531, A bill to be entitled
"An Act to amend Article 3396, Title
54, of the Revised Civil Statutes of
the State of Texas, revision of 1925,
and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 530, A bill to be entitled "An Act to amend Article 460, Title 16 of the Revised Civil Statutes of the State of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 537, A bill to be entitled "An Act to amend Article 3337, Title 54, of the Revised Civil Statutes of the State of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 589, A bill to be entitled "An Act to validate the purchase, pursuant to legislative enactment, of the property of any debtor or debtors at any sale under any proceedings in bankruptcy, receivership, or in any other judicial proceeding whatever, heretofore made by any county in this State whose population did not exceed 15,000, according to the last United States Census, and which had a claim or claims for money against any such person, partnership, corporation, joint stock, or other association, amounting to at least fifty per cent of all the claims against such debtor and where the commissioners court of any such county has deemed it necessary or advisable to so purchase said property to protect the interests of such county, etc., and declaring an emergency,"

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 561, A bill to be entitled "An Act fixing the salaries to be paid out of certain funds to county commissioners in counties have a population of not less than 38,765 and not more than 38,790 inhabitants, according to the last preceding Federal Census, and declaring an emergency,"

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 510, A bill to be entitled "An Act to amend Article 1656-a, Title 34, Subdivision 2, Revised Civil Statutes of Texas, being House Bill No. 875, Chapter 98, page 217, General and Special Laws enacted by the Forty-third Legislature at its Regular Session, 1933, providing that the county auditor in certain counties shall prescribe the system, forms and reports to be used in connection with the receipt and disbursement of county revenues, funds, fees, and moneys received and disbursed by county and precinct officers, so as to include the district clerk and district attorney; providing for the repeal of all laws in conflict herewith; providing that if any part of this Act shall be declared unconstitutional it shall not affect the validity of the remainder, and declaring an emergency,"

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 463, A bill to be entitled "An Act amending Chapter 10, House

Bill No. 88, Acts of the Second Called Session of the Forty-third Legislature, declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors, and processors of milk and milk products; to correct disorganization of the milk industry; to set up codes of fair practice to eliminate unfair competition; to assure an adequate supply of wholesome milk, and to declare that the milk industry of Texas is affected with a public interest, etc., and declaring an emergency,"

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 442, A bill to be entitled "An Act to fix the salaries and compensation in counties with a population of not less than nine thousand seven hundred and ten (9,710) inhabitants nor more than nine thousand seven hundred and twenty-five (9,725) inhabitants, according to the last Federal Census, and counties with a population of not less than eighteen thousand five hundred and twenty-eight (18,528) inhabitants, nor more than eighteen thousand five hundred and fifty (18,550) inhabitants, according to the last Federal Census as to population, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 614, A bill to be entitled "An Act to provide for the renewal and extension of oil and gas permit No. 11,752 on a portion of the Pecos River bed, providing for the placing of all income therefrom, and for all

income from oil and gas development from river beds in Texas, in the Permanent School Fund, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 608, A bill to be entitled "An Act to amend Section 10 of Chapter 42 of the Acts of the Forty-third Legislature, Regular Session, pages 49-50, amending Section 10 of Chapter 42, with reference to the salary to be paid the deputy clerk of the County Court at Law of Jefferson County; providing that if any part of this Act be declared invalid the remainder of the Act shall not be affected, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 533, A bill to be entitled "An Act to repeal Article 566 of Title 18 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 534, A bill to be entitled "An Act to amend Article 567 of Title 18 of the Revised Civil Statutes of the State of Texas of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 535, A bill to be entitled "An Act to amend Article 6003 of the Revised Civil Statutes of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 540, A bill to be entitled "An Act to amend Article 3311, Title 54, of the Revised Civil Statutes of the State of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 542, A bill to be entitled "An Act to amend Subdivision 17 of Article 2092 of the Revised Statutes of the State of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 743, A bill to be entitled "An Act amending Article 1104, Article 1105, Article 1106, and Article 1111 of the Penal Code, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 651, A bill to be entitled "An Act to amend Article 4115, Title 69, of the Revised Statutes of the State of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 650, A bill to be entitled "An Act to amend Article 3476, Title 54, of the Revised Civil Statutes of the State of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 392, A bill to be entitled "An Act to permit any county in this State wherein the United States Government has acquired or shall hereafter acquire large bodies of land embracing 1,000 acres or more, for purposes of reforestation, and whose assessed valuation of property is not less than \$40,000,000, to adopt, by majority vote of qualified voters of such county, a county unit system to the extent provided in this Act, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 652, A bill to be entitled "An Act to amend Article 4231, Title

69, of the Revised Statutes of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 838, A bill to be entitled "An Act to declare a closed season on the killing of quail and bobwhites in Van Zandt County for a period ending January 15, 1937, prescribing a penalty therefor, and declaring an emergency,"

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 911, A bill to be entitled "An Act providing that it shall be unlawful to take or kill squirrel in Cherokee County during certain months; providing penalty for the violation thereof, and declaring an emergency,"

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 688, A bill to be entitled "An Act to amend Section 1 of Chapter 117, being House Bill No. 847, passed by the Forty-second Legislature of the State of Texas, appears on page 229 of the Special Laws of said Forty-second Legislature, so as to make the provisions for repurchase applicable and effective, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 710, A bill to be entitled "An Act further regulating and providing a means and method of securing service of process on Federal relief agencies operating and doing business in the State of Texas, including Federal Housing Administration, Home Owners Loan Corporation, any National mortgage association, any National mortgage savings and loan insurance corporation, created and/or to be created by or under authority of an Act of the Congress of the United States of America, requiring such corporations and/or agencies to designate and appoint a service agent, upon whom service of process may be had, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 690, A bill to be entitled "An Act to provide a schedule of weights whereby the load weight of lumber being hauled by trucks on the highways of this State can be determined, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 776, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any deer for a period of three years in Taylor County, Texas; fixing penalties, and declaring an emergency,"

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 653, A bill to be entitled "An Act to amend Article 4291, Title 69, of the Revised Statutes of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 715, A bill to be entitled "An Act to amend Chapter 207 of the Acts of the Forty-first Legislature, otherwise known as Article 3899-b (which authorizes the commissioners courts to pay from county funds various expenses of certain officers), by adding thereto a section to be known as Section 3 of said Act, providing that in all counties having a population in excess of three hundred and fifty-five thousand (355,000) inhabitants, according to the preceding or any future Federal Census, the district attorney or criminal district attorney may be allowed, by order of the commissioners court of his county, such amount as said court may deem necessary to pay for, or aid in, the proper administration of the duties of such office, not to exceed twenty-five hundred dollars (\$2,500) in any one calendar year, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 729, A bill to be entitled "An Act declaring it to be a misdemeanor for any person, with intent to defraud, to make, draw, utter, or deliver any check, draft, or order for the payment of money, knowing at the time of such making, drawing utter-

ing, or delivering such check, draft, or order that the maker or drawer has not sufficient funds in or credit with the drawee for the payment of such check, draft, or order, in full, upon its presentation, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 615, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any wild quail of any species for a period of three (3) years in Ector County, Texas; fixing penalty, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 595, A bill to be entitled "An Act amending Sections 2 and 3 of Senate Bill No. 209, Chapter 220, Acts of the Regular Session of the Forty-third Legislature (said Section 2 amending Article 3891 of the Revised Civil Statutes of 1925, as amended, and said Section 3 amending Article 3902, Revised Civil Statutes of 1925, as amended), and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 809, A bill to be entitled "An Act to amend Article 880 of the Penal Code of the State of Texas as amended by Chapter 23, Acts of the Forty-third Legislature at its Fourth Called Session in 1934, by permitting

an exception, as defined, for Jefferson County, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 532, A bill to be entitled "An Act to amend Article 1870 of the Revised Civil Statutes of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 543, A bill to be entitled "An Act to repeal Article 119, Title 4, of the Penal Code of the State of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 654, A bill to be entitled "An Act to amend Article 4299, Title 69, of the Revised Civil Statutes of the State of Texas, revision of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 834, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals

or the setting of any steel trap in Montgomery County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 908, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals in Cherokee County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 909, A bill to be entitled "An Act to prohibit the selling, taking or possession for barter or sale of wild fox or the pelt thereof; to prohibit the killing of wild fox; providing penalties; providing that the Act shall remain in effect for two years, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 784, A bill to be entitled "An Act amending Article 6885, Revised Civil Statutes of 1925 et seq., by limiting the duties of each constable to the serving of all process, warrants, and precepts to the precinct to which he is elected, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 11, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 841, A bill to be entitled
"An Act to declare a five (5) year
closed season on wild fox in Palo
Pinto County and making it unlawful
to kill, take, or for anyone to have in
his possession for barter or sale, after
the passage of this Act, any wild fox
or the pelts thereof; providing for a
penalty for the violation of this Act,
and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 11, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 750, A bill to be entitled
"An Act amending Article 4000, Title
65, of the Revised Civil Statutes of
the State of Texas, adopted at the
Regular Session of the Thirty-ninth
Legislature, by adding thereto a pro-
vision excepting farm products when
offered for sale by the producer, from
the operation of the article, and de-
claring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 11, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 320, A bill to be entitled
"An Act to validate the organization
and creation of all school districts,
including common school districts, in-
dependent school districts, common
consolidated school districts, consoli-
dated independent school districts,
county line school districts, and rural
high school districts, whether created
by general or special law or by
county boards of trustees, etc., and
declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 11, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 379, A bill to be entitled
"An Act fixing the compensation of
county commissioners in every county
having a population of not less than
nineteen thousand one hundred (19,-
100) or more than nineteen thousand
two hundred (19,200) inhabitants,
and in every county having a popula-
tion of not less than eighteen thou-
sand eight hundred (18,800) nor more
than eighteen thousand nine hundred
(18,900) inhabitants, according to
the last preceding United States Cen-
sus, and providing how same shall be
paid, etc., and declaring an emer-
gency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 11, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 229, A bill to be entitled
"An Act to fix the salaries and com-
pensation of county commissioners in
counties with a population of not less
than 6,800 nor more than 6,900, ac-
cording to the last Federal Census,
and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 11, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 792, A bill to be entitled
"An Act to subject to taxation for
school purposes certain land in Brazos
County, Texas, owned by the State of
Texas heretofore set aside to the Agri-
cultural and Mechanical College,"

Has carefully compared same, and
finds it correctly engrossed.

HODGES, Chairman.

REPORT OF THE COMMITTEE ON
ENROLLED BILLS

Committee Room,

Austin, Texas, April 12, 1935.

Hon. Coke Stevenson, Speaker of the
House of Representatives.Sir: Your Committee on Enrolled
Bills, to whom was referredH. B. No. 444, "An Act making an
appropriation for emergency malaria
control measures by the State Board
of Health in certain areas of the State
for a period of seven (7) months, and
declaring an emergency,"Has carefully compared same, and
finds it correctly enrolled.

ATCHISON, Chairman.

FIFTIETH DAY

(Saturday, April 13, 1935)

The House met at 9:30 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Stevenson.The roll was called, and the fol-
lowing members were present:

Mr. Speaker	Fuchs
Adamson	Gibson
Aikin	Glass
Alexander	Good
Alsup	Graves
Atchison	Gray
Beck	Hankamer
Bergman	Hanna
Bourne	Harris of Archer
Bradbury	Harris of Dallas
Bradford	Head
Burton	Herzik
Butler of Brazos	Hill
Butler of Karnes	Hodges
Caldwell	Hofheinz
Calvert	Holland
Canon	Hoskins
Celaya	Howard
Clayton	Huddleston
Collins	Hunt
Cooper	Hunter
Crossley	Hyder
Davis	Jackson
Davison of Fisher	Jones of Atascosa
Davisson	Jones of Falls
of Eastland	Jones of Runnels
Dunagan	Keefe
Dunlap of Hays	King
Dunlap of Kleberg	Knetsch
Dwyer	Lange
Fain	Lanning
Fisher	Lemens
Fitzwater	Leonard
Fox	Lindsey
Frazer	Lucas

Luker	Roberts
Mauritz	Rogers
McCalla	Russell
McConnell	Rutta
McFarland	Scarborough
McKee	Settle
McKinney	Shofner
Moffett	Stanfield
Moore	Stinson
Morrison	Stovall
Newton	Tarwater
Nicholson	Tennyson
Padgett	Thornton
Palmer	Tillery
Patterson	Waggoner
Pope	Walker
Reader	Wells
Reed of Bowie	Westfall
Reed of Dallas	Wood of Montague
Roach of Angelina	Worley
Roark	Young

Absent

Ash	Jones of Wise
Broyles	Latham
Cagle	Leath
Colquitt	Lotief
Colson	Morris
Cowley	Morse
Craddock	Olsen
Daniel	Payne
Dickison	Petsch
Duvall	Quinn
England	Riddle
Farmer	Roane
Ford	Smith
Greathouse	Spears
Hardin	Steward
Hartzog	Venable
James	Wood of Harrison
Jefferson	Youngblood

Absent—Excused

Adkins	Roach of Hunt
Jones of Shelby	

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain,
offered the following invocation:

"Our Heavenly Father, we are grateful to Thee for the rest of the night, for our health and our lives, and for the opportunities of service, that may mean so much. Grant us Thy leadership in our thinking and our efforts. In Christ's name. Amen."

LEAVE OF ABSENCE GRANTED

The following member was granted
leave of absence on account of ill-
ness:Mr. Adkins for today, on motion of
Mr. Tillery.